



**1998**

# ***Illinois Register***

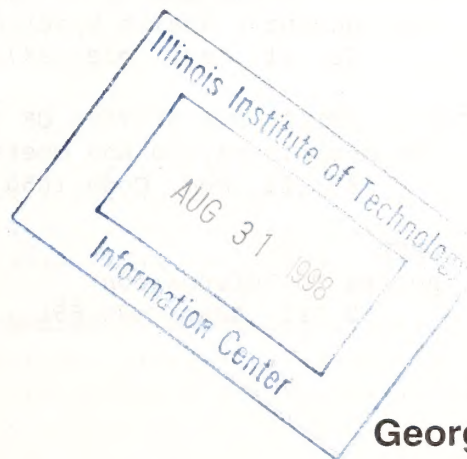
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## **Rules of Governmental Agencies**

Volume 22, Issue 35—August 28, 1998

Pages 15,511 - 15,752

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published by  
**George H. Ryan**  
Secretary of State



Printed on recycled paper



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## ISSUES INDEX I-1

**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	17, 1998 - Issue 16: Through	March	31, 1998
July	17, 1998 - Issue 29: Through	June	30, 1998
October	16, 1998 - Issue 42: Through	September	30, 1998
January	15, 1999 - Issue 3: Through	December	31, 1998 (Annual)



DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED RULES

1) Heading of the Part: Children's Health Insurance Program

2) Code Citation: 89 Ill. Adm. Code 125

3) Section Numbers: Proposed Action:

125.100	New Section
125.110	New Section
125.200	New Section
125.205	New Section
125.220	New Section
125.230	New Section
125.240	New Section
125.245	New Section
125.250	New Section
125.260	New Section
125.300	New Section
125.305	New Section
125.310	New Section
125.320	New Section
125.330	New Section
125.340	New Section
125.400	New Section
125.420	New Section
125.440	New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and House Bill 705/P.A. 90-736, effective August 2, 1998 [215 ILCS 105].

5) Complete Description of the Subjects and Issues Involved: This proposed rulemaking establishes the Children's Health Insurance Program as required by House Bill 705/P.A. 90-736, effective August 12, 1998 [215 ILCS 106]. The legislation authorizes the Department to administer an insurance program, to be known as KidCare, to assist families in obtaining coverage for medical services for their children. This children's health care initiative will provide medical benefits for children who are not eligible for coverage under Medicaid. The benefits are not an entitlement and will only be available to the extent that appropriations are available for such services.

KidCare will provide health care coverage for uninsured children by providing medical care benefits that are similar to benefits received under the Medicaid program, and for children with insurance coverage, by subsidizing the cost of privately sponsored health insurance, including employer-based health insurance. The KidCare provisions for children lacking insurance include nominal copayment requirements that are determined on the basis of family size and monthly countable income, monthly premiums according to specified income levels and an annual family

DEPARTMENT OF PUBLIC AID  
NOTICE OF PROPOSED RULES

cap on copayments. KidCare for children with insurance coverage provides for insurance rebates to be paid to the individual policyholder. Reimbursements to providers of services under KidCare will equal those paid for Medicaid services.

The Children's Health Insurance Program legislation is the result of the efforts of a task force comprised of members from the House and Senate, child health advocates, representatives of the Governor's Office, and representatives from the Departments of Public Aid, Public Health, Human Services and Insurance.

The benefits allowed under KidCare will be subject to review and adjustment as required by budgetary appropriations for medical services. Implementation of KidCare is expected to result in an annual expenditure of approximately \$84.1 million.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed rulemaking does not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Ave. E., 3rd Floor  
Springfield, Illinois 62763  
217/524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review this proposed rulemaking at the Illinois Department of Human Services' local offices located in each county (except



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, and the Office of the Secretary, Illinois Department of Human Services, both located at 401 South Clinton, 7th Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M.

This proposed rulemaking may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rulemaking will allow health benefits coverage for medical services under the KidCare Health Plan from the Medicaid provider network, both institutional and non-institutional. The Department is unsure whether or not any of the affected entities may qualify as small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Rules is identical to the text of the Emergency Rules which appears in this issue of the Register on page 15706.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Eligibility Groups
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Numbers: Proposed Action:  
118.500 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and amendments recently enacted through the Budget Implementation Act (Public Act 90-588).
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments concern medical services for certain immigrant children. The amendments will assist immigrant children under 19 years of age who entered the United States on or after August 22, 1996, and who otherwise would receive medical services through Article V of the Public Aid Code or House Bill 705/P.A. 90-736, effective August 12, 1998 [215 ILCS 106], except that such children have not resided in the United States for five years, or are permanently residing in the United States under color of law (PRUCOL). Under the proposed amendments, these immigrant children may receive medical services, depending on the family's income level. The Department's fiscal year 1999 appropriation and the Budget Implementation Act (P.A. 90-588) provide authority for medical services to such children. The proposed amendments do not create an entitlement to medical services for these children. Services will only be available to the extent that appropriations for such services remain available. The services provided under these proposed amendments to Part 118 are expected to result in an annual expenditure of approximately \$4.4 million.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Public Aid  
201 South Grand Ave. E., 3rd Floor  
Springfield, Illinois 62763  
217/524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review this proposed rulemaking at the Illinois Department of Human Services' local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, and the Office of the Secretary, Illinois Department of Human Services, both located at 401 South Clinton, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments may allow medical services from the Medicaid provider network, both institutional and non-institutional. The Department is unsure whether or not any of the affected entities may qualify as small businesses.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Emergency Amendments which appears in this issue of the Register on page 15724:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Regional Poison Control Center Code

2) Code Citation: 77 Ill. Adm. Code 215

3) Section Numbers:

215.100	<u>Proposed Action:</u>
215.200	New Section
215.300	New Section
215.400	New Section
215.500	New Section
215.600	New Section
215.Appendix A	New Section

4) Statutory Authority: Poison Control System Act [410 ILCS 47]

5) A Complete Description of the Subjects and Issues Involved: The Department is promulgating these rules to implement the Poison Control System Act [410 ILCS 47]. The rules establish application requirements for participation in the program, standards that must be met to achieve designation, and staffing and reporting requirements. The American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center, which must be met by Regional Control Centers, are included in the rules as Appendix A.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Proposed Rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this Proposed Rule contain any incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
(217) 782-2043  
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Entities wishing to become regional poison control centers

B) Reporting, bookkeeping or other procedures required for compliance: Reporting procedures are set forth in the proposed rules.

C) Types of professional skills necessary for compliance: Skills necessary to operate regional poison control center

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Rules begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER f: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

## PART 215

## REGIONAL POISON CONTROL CENTER CODE

Section	Definitions
215.100	Rights and Obligations of Regional Poison Control Centers
215.200	Application for Designation as a Regional Poison Control Center
215.300	Operation of a Regional Poison Control Center
215.400	Staffing
215.500	Quarterly Data Submission
215.600	American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center
APPENDIX A	

AUTHORITY: Implementing and authorized by the Poison Control System Act [410 ILCS 47].

SOURCE: Adopted at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 215.100 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Act - the Poison Control System Act [410 ILCS 47].

*Advanced Life Support (ALS) Services* - an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the *Advanced Life Support National Curriculum of the United States Department of Transportation* and any modifications to that curriculum specified in rules adopted by the Department pursuant to the Act. (Section 3.10(a) of the Emergency Medical Services Systems Act [210 ILCS 50])

*Advanced Life Support Vehicles* - vehicles licensed by the Department to provide services at the ALS level.

*Basic Life Support (BLS) Services* - a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR),

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

*control of shock and bleeding and splinting of fractures, as outlined in the Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in rules adopted by the Department pursuant to the Act.* (Section 3.10(c) of the Emergency Medical Services Systems Act)

*Basic Life Support Vehicles* - vehicles licensed by the Department to provide services at the BLS level.

*Department* - the Illinois Department of Public Health.

*Director* - the Director of the Illinois Department of Public Health or his designee.

*EMS Medical Director* - the physician appointed by the Resource Hospital who has the responsibility and authority for total management of the EMS System.

*Emergency Medical Services (EMS) system* - an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a system program plan submitted to and approved by the Department, and pursuant to the EMS region plan adopted for the EMS region in which the system is located. (Section 3.20(a) of the Emergency Medical Services Systems Act)

*Emergency Medical Technician (EMT)* - a person who has successfully completed a course of instruction as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Emergency Medical Services (EMS) Systems Act and the Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515) and practices within an EMS system.

*Full-Time Equivalent (FTE)* - the number of days routinely worked by a full-time hospital employee in one year. This shall not be less than 240 days.

*Hospital* - a facility licensed pursuant to the Hospital Licensing Act [210 ILCS 85].

*Human Poison Control Center* - an emergency public health service providing toxicity, hazard, and treatment information, case documentation, and follow-up calls. A Human Poison Control Center is staffed, in part, by professionals dedicated solely to the operation of the Center while staffing the Center, provides 24 hour a day toll-free telephone access, and provides the public and health



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

*professionals with educational programs on poison prevention and treatment.* (Section 10 of the Act)

Medical Director - the physician appointed by the Center who has responsibility and authority for total management of the Regional Poison Control Center.

Pharmacist - a person licensed as a registered pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Physician - a person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Poison Information Specialist - a pharmacist, physician or registered nurse who is trained to read, understand, and interpret standard poison information resources and transmit that information in a logical, concise, and understandable way to health care professionals and the general public, and communicate information from standardized center treatment protocols approved by the medical director.

Poison Specialty Consultants - professionals in any number of fields who provide technical information in their area of expertise concerning poison management and treatment. Examples may include botanist, entomologist, industrial hygienist, pharmacist, toxicologist, or veterinarian.

Regional Poison Control Center, Regional Poison Resource Center or Center - a Human Poison Control Center designated by the Illinois Department of Public Health, in accordance with the Act and this Part. (Section 15 of the Act)

Registered Nurse - a person licensed as a registered professional nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

## Section 215.200 Rights and Obligations of Regional Poison Control Centers

a) The Director or his designee shall designate at least two and no more than three Regional Poison Control Centers. (Section 15 of the Act)

b) Human poison control centers wishing to be designated as a Regional Poison Control Center shall submit an application in accordance with Section 215.300.

c) If there are more than three applicants for designation as a Regional Poison Control Center or there is more than one applicant for the same geographic service area, the Director shall consider the following criteria in selecting an applicant for designation:

- 1) Whether the applicant has previously served as a Department-approved Regional Poison Control Center prior to the effective date of the Act;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

2) Whether the applicant is affiliated with a medical school, school of nursing or other health care professional teaching program; and

3) How quickly the applicant can establish its operations in compliance with the American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Control Center (Appendix A of this Part) and the requirements of this Part.

d) Applicants shall be notified, in writing, if they have or have not been designated as a Regional Poison Control Center.

e) Regional Poison Control Centers shall comply with the American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Control Center (Appendix A of this Part) within two years after designation unless the Center has been granted an extension by the Department. (Section 15 of the Act) The extension shall be provided in writing. The Department's decision to grant an extension shall be based on, but not limited to, the following circumstances:

- 1) The applicant has experienced difficulty in hiring staff;
- 2) The applicant is waiting until designation to appoint a director and needs six months to fill the position;
- 3) The applicant is waiting to establish a toll-free telephone number and conduct community outreach activities to promote public awareness of the toll-free telephone number.

f) A Regional Poison Control Center shall maintain its designation unless it voluntarily closes, giving the Department at least a 90-day written notice, or the Department revokes the designation, in writing, for the Center's failure to comply with the Act and this Part. (Section 15 of the Act) Proceedings to revoke a Center's designation shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

g) Poison Control Centers shall cooperate to reduce the cost of operations, collect information on poisoning exposures, and provide education to the public and health professionals. (Section 15 of the Act)

h) Regional Poison Control Centers shall be considered State agencies for purposes of the State Employee Indemnification Act [5 ILCS 350]. (Section 15 of the Act)

## Section 215.300 Application for Designation as a Regional Poison Control Center

a) The applicant may be a hospital licensed by the Department, or a non-hospital-based entity that has an agreement with a hospital licensed by the Department.

b) All applicants shall submit a written program plan to the Department that includes a description of the geographic area to be served by the proposed Regional Poison Control Center and the following information about the licensed hospital:

- 1) Hospital name and address;



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- 2) Number of adult intensive care beds;
  - 3) Number of pediatric intensive care beds;
  - 4) Number of medical/surgical beds;
  - 5) Laboratory capabilities;
  - 6) Psychiatric service capabilities;
  - 7) Renal dialysis capabilities;
  - 8) Affiliation with a medical school, school of nursing or other health care professional teaching program (see Section 215.200(c)(2) of this Part);
  - 9) Location of the applicant in relation to the proposed geographic service area.
- c) All applicants shall submit a written application to the Department documenting detailed information on the methods and time frames for complying with Section 215.500 of this Part if designation is granted, including the following information:
- 1) Name and qualifications of the proposed Poison Center's medical director;
  - 2) Availability of a comprehensive poison information resource file, in accordance with Section 215.400(b);
  - 3) Adequately trained and supervised poison information specialists, in accordance with Section 215.500(b);
  - 4) Toll-free telephone number that does not impose a direct fee to members of the public and health care providers calling for poison information;
  - 5) Coordination with each EMS system to assure that all advanced life support vehicles are equipped with some poison antidotes.

## Section 215.400 Operation of a Regional Poison Control Center

- a) The Center shall be in operation and have toll-free telephone availability on a 24-hour-a-day, 365-days-a-year basis to both the general public and health care providers.
- b) The Center staff shall have immediate access during all hours of operation to comprehensive poison information, which shall include:
  - 1) Current toxicology information resources available at the telephone answering site;
  - 2) A comprehensive set of texts covering both general and specific aspects of acute poison management, available at the telephone answering site;
  - 3) Primary information resources (reprint files, systems, etc.) and access to a major medical library and/or information system; and
  - 4) Poison specialty consultants available on an on-call basis.
- c) The Center shall have written management protocols for responding to calls that provide a consistent pre-hospital approach to evaluation and treatment of toxic exposures and that are approved by the Center's manager and medical director. These protocols shall be followed, shall be available at the telephone answering site, and shall include direction on follow-up, including written and oral poison prevention

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

- information.
- d) The Center shall have a health education component that includes at least:
    - 1) Instruction in prevention, care, and management of poisonings for health care professionals, including coordination with the EMS Medical Directors of each EMS system to assure that all EMTs are trained in initial poison management; and
    - 2) Outreach education for the general public concerning poison prevention and first response.
  - e) The Center shall have two-way communication capabilities with ambulances and other BLS or ALS vehicles in the service area.
  - f) The Center shall have a data management system that is kept current and:
    - 1) Maintains patient confidentiality;
    - 2) Provides a sufficient narrative to allow for peer review and medical and legal audit; and
    - 3) Collects data elements to allow for prompt filing of quarterly reports in accordance with Section 215.600.
  - g) The Center shall provide services to all patients regardless of ability to pay or source of payment.

## Section 215.500 Staffing

- a) The Center shall have a medical director who is a physician, board certified in medical toxicology. In the absence of this certification, the medical director shall be board certified in internal medicine, pediatrics, family medicine, emergency medicine, or osteopathic medicine and be able to clearly demonstrate ongoing interest and expertise in toxicology as evidenced by publications, research and continuing education. The medical director shall have a medical staff appointment at a comprehensive poison treatment facility and be involved in the management of poisoned patients. In addition to clinical, academic teaching and research activities, the medical director shall formally commit at least 10 hours per week to poison center operational activities involving staff training, development of medical guidelines and quality assurance activities. The medical director shall be responsible for:
  - 1) Establishing Center policies;
  - 2) Developing medical protocols;
  - 3) Case review;
  - 4) Quality assurance;
  - 5) Providing direct patient care, telephone supervision and case consultation; and
  - 6) Providing training and support to poison information specialists.
- b) The Center shall have an adequate number of properly trained and supervised poison information specialists to assure that phone calls are answered promptly and that poison information is provided in a timely manner. Specialists in poison information shall be registered

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

nurses, pharmacists or physicians who are qualified to understand and interpret standard poison information resources and to transmit that information in a logical, concise, and understandable way to both health professionals and the public. All specialists in poison information shall complete a training program approved by the medical director.

- c) Each Center shall have a full-time managing director responsible for operations, personnel, data analysis, and other administrative functions. The managing director of a Regional Poison Control Center shall be a registered nurse, pharmacist, physician or shall hold a degree in a health science discipline. This individual may also be the medical director. This individual shall be certified or eligible for certification by the American Board of Medical Toxicology for physicians or by the American Board of Applied Toxicology for non-physicians. In the absence of certification, the managing director shall demonstrate ongoing interest and expertise in toxicology as evidenced by publications, research and continuing education. The managing director shall be able to clearly demonstrate full-time commitment to Center-related activities, including the areas of clinical toxicology, education, research and administration.

## Section 215.600 Quarterly Data Submission

The following data shall be collected by the Center and submitted to the Department, as a three-month total, by the 15th of the month following March 31, June 30, September 30 and December 31. The Department shall audit quarterly reports in response to a complaint if the complaint concerns information submitted in the report.

- a) Total Center encounters:
- 1) Total poisonings,
  - 2) Information requests,
  - 3) Education requests.
- b) Age group of poison contact subject:
- 1) Under 5 years old,
  - 2) 5-12 years old,
  - 3) 13-18 years old,
  - 4) 19-30 years old,
  - 5) 31 years old and over, or
  - 6) Unknown age.
- c) Substance encountered:
- 1) Prescription medications,
  - 2) Over-the-counter medications,
  - 3) Veterinary medication,
  - 4) Household products,
  - 5) Insect/arachnid/reptile/animal bite/sting,
  - 6) Beauty aids/cosmetics,
  - 7) Plants,
  - 8) Pesticides,

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- 9) Hydrocarbon,
  - 10) Street drug, or
  - 11) Other.
- d) Routes of poison contact:
- 1) Ingested,
  - 2) Inhaled,
  - 3) Skin contact,
  - 4) Bites/stings,
  - 5) Wound/puncture,
  - 6) Eye contact, or
  - 7) Other.
- e) Reason why contact occurred:
- 1) Accident,
  - 2) Prescribed,
  - 3) Intentional,
  - 4) Recreational,
  - 5) Suicide,
  - 6) Industrial/work-related, or
  - 7) Other.
- f) Source of call:
- 1) Local hospital,
  - 2) Clinic/physician office,
  - 3) Family/friend,
  - 4) Self, or
  - 5) Other.
- g) Initial Center treatment rendered:
- 1) Instructed in home care, including follow-up calls and documented to private physician;
  - 2) Local medical facility or physician office advised in initial care of patient;
  - 3) After initial instructions, patient referred to local human poison control;
  - 4) After initial instructions, patient referred to local hospital;
  - 5) Patient referred directly to private physician; or
  - 6) After initial instructions, patient referred to ophthalmologist.
- h) Final disposition of patients treated from subsections (g)(2), (3), (4), (5) and (6) of this Section:
- 1) Patient treated at medical facility and released;
  - 2) Patient treated at medical facility and admitted;
  - 3) Patient treated at medical facility and transferred to Regional Poison Control Center;
  - 4) Patient refused care recommendations;
  - 5) Death; or
  - 6) Unknown.
- i) Use of grant funds, if applicable.



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## Section 215.APPENDIX A American Association of Poison Control Centers' Criteria for Certification as a Regional Poison Center

## Introduction

The purpose of this document is to establish criteria by which poison centers can be recognized as possessing the qualities needed to adequately serve a significant population. Poison centers function primarily to provide poison information, telephone management and consultation, collect pertinent data, and deliver professional and public education. Poison treatment facilities function primarily to provide medical control for pre-hospital emergency medical services and to deliver health care to poisoned patients. Cooperation between Regional Poison Centers and poison treatment facilities is a key feature of any poison center program and is essential for achieving the ultimate goal of optimal health care for the poisoned patient.

## I. Determination of Region

**A. Geographical characteristics.** A Regional Poison Center may serve a single state, a multi-state area, or only a portion of a state. The region should be determined by state authorities in conjunction with local health agencies and health care providers. In instances where multiple states are involved, designation from each state will be necessary. Documentation of state designations must be in writing and must clearly delineate the region to be served, the services to be provided, and the exclusivity of the designation. In instances where a state declines in writing to designate any poison center, designation by other political or health jurisdictions (e.g., county, health district) may be an acceptable alternative. In instances where more than one center is designated to serve the same area, evidence of cooperative arrangements must be provided.

**B. Population base.** In the absence of compelling reasons to the contrary, a Regional Poison Center program should serve a population base of no fewer than one million people. It is unlikely that a single Regional Poison Center could adequately serve more than 10 million people. The center must provide evidence that it adequately serves its entire region. In addition, the center must receive at least 10,000 human exposure calls per year.

## II. Regional Poison Information Service

**A. The Regional Poison Center shall provide information 24 hours/day, 365 days/year to both health professionals and the public.** This criterion will be considered to be met if the center has at least one specialist in poison information in the center at all times, sufficient additional staff to promptly handle the center's incoming calls and the availability of the medical director or qualified designee,

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on-call by telephone, at all times.

**B. The Regional Poison Center shall be readily accessible by telephone from all areas within the region.** This criterion will be considered to be met if the center has a direct incoming telephone system that is extensively publicized throughout the region to both health professionals and the public. The center must maintain sufficient telephone lines to assure ready access. In the absence of a toll-free system, the center must demonstrate that the lack of a toll-free service is not an impediment to public use of the center.

**C. The Regional Poison Center shall maintain comprehensive poison information resources.** This criterion will be considered to be met if the center maintains:

1. One or more comprehensive toxicology information resources, immediately available at the central telephone answering site.
2. Current comprehensive texts covering both general and specific aspects of acute and chronic poisoning management immediately available at the central telephone answering site.
3. Primary information resources and ready availability of a major medical library.
4. A list of poison center specialty consultants who are available on an on-call basis (see II.E.5. below).

**D. The Regional Poison Center shall maintain written operational guidelines that provide a consistent approach to evaluation and management of toxic exposures.** This criterion will be considered to be met if the center provides written operational guidelines that include but are not limited to the follow-up of all potentially toxic exposures and appropriate criteria for patient disposition. These guidelines must be available in the center at all times and must be approved in writing by the medical director of the program.

**E. Staff qualifications for the Regional Poison Center.**

1. **Medical director.** The medical director should be board certified in medical toxicology. In the absence of this certification, the medical director must be board certified in internal medicine, pediatrics, family medicine or emergency medicine and be able to clearly demonstrate ongoing interest and expertise in toxicology as evidenced by publications, research and meeting attendance. The medical director must have a medical staff appointment at a comprehensive poison treatment facility and must be involved in the management of poisoned patients. The medical director should

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devote at least 50% of his/her professional activities to toxicology. In addition to clinical, academic teaching and research activities, the medical director must formally commit at least 10 hours per week to poison center operational activities involving staff training, development of medical guidelines and quality assurance activities.

**2. Managing director.** The managing director of a regional poison center must be a registered nurse, pharmacist, physician or hold a degree in a health science discipline. This individual may also be the medical director. This individual should be certified or eligible for certification by the American Board of Medical Toxicology for physicians or by the American Board of Applied Toxicology for non-physicians. In the absence of certification, the managing director must be able to demonstrate on-going interest and expertise in toxicology as evidenced by publications, research and meeting attendance. The managing director must be able to clearly demonstrate full-time commitment to poison center related activities, including the areas of clinical toxicology, education, research and administration.

**3. Specialists in poison information.** Specialists in poison information must be registered nurses, pharmacists or physicians, or be currently certified by the Association as a specialist in poison information. Specialists in poison information must be qualified to understand and interpret standard poison information resources and to transmit that information in a logical, concise, and understandable way to both health professionals and the public. All specialists in poison information must complete a training program approved by the medical director and must be certified by the Association as a specialist in poison information within two examination administrations of their initial eligibility for the certification process. Specialists in poison information must spend an annual average of 16 hours per week in poison center related activities, including providing telephone consultation, teaching, or public education, or in poison center operations. All specialists in poison information, whether full-time or part-time, must be 100% dedicated to poison center activities during periods when they are assigned to the center.

**4. Other poison information providers.** Other poison information providers must be qualified to understand and interpret standard poison information resources and to transmit that information understandably to both health professionals and the public under the direct supervision of a specialist in poison information or the medical director. This requirement will be considered to be met if the person has an appropriate health-oriented background

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and has specific training and/or experience in poison information sciences. While they may be part-time staff or have a part-time commitment to the poison center, 100% of their time should be dedicated to poison center activities while assigned to the center.

**5. Poison center specialty consultants.** Poison center specialty consultants should be qualified by training or experience to provide sophisticated toxicology or patient care information in their area(s) of expertise. These consultants should be available on-call, with an expressed commitment to provide consultation services on an on-call, as needed basis. The list of consultants should reflect the type of poisonings encountered in the region.

**6. Administrative staff.** Poison center administrative personnel should be qualified by training and/or experience to supervise finances, operations, personnel, data analysis, and other administrative functions of the poison center.

**7. Education staff.**

**a. Professional education.** Professional education personnel should be qualified by training or experience to provide quality professional education lectures or materials to health professionals. This role will be supervised by the medical director.

**b. Public education.** Public education personnel should be qualified by training or experience to provide public-oriented poison center awareness, poison prevention and first aid for poisoning presentations. They must be capable of providing verbal presentations to public audiences, and have sufficient understanding of the material to accurately answer public questions. They may be full-time, part-time or volunteer staff.

**F. The Regional Poison Center shall have an ongoing quality assurance program.** This criterion will be considered to be met if the center has regularly scheduled staff inservices, morbidity and mortality conferences, case reviews and audits (such as chart, process or outcome audits).

**III. Regional Treatment Capabilities**

**A. The Regional Poison Center shall identify the treatment capabilities of the treatment facilities of the region.** As a minimum, Regional Poison Centers shall identify analytical toxicology, emergency and



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critical care, and extracorporeal capabilities within the region for adults and children.

B. The Regional Poison Center should have a working relationship with all poison treatment facilities in its region.

C. The Regional Poison Center should understand the analytical toxicology services in its region and how to interface with them.

D. The Regional Poison Center should understand how the region's prehospital transportation system is structured and how to interface with it.

## IV. Regional Data Collection System

A. The Regional Poison Center shall keep records of all cases handled by the center in a form that is acceptable as a medical record. This criterion will be considered to be met if the center completes a record that contains data elements and sufficient narrative to allow for peer review and medical and/or legal audit, and such records are kept on file in compliance with standards for hospital recordkeeping in the region.

B. The Regional Poison Center shall submit all its human exposure data to the Association's National Data Collection System meeting specified submission deadlines and quality requirements and including all required data elements.

C. The Regional Poison Center shall tabulate its experience for regional program evaluation on at least an annual basis. This criterion will be considered to be met if the center completes an annual report summarizing its own experience.

## V. Professional and Public Education Programs

A. The Regional Poison Center shall provide information on the management of poisoning to the health professionals throughout the region who care for poisoned patients. This criterion will be considered to be met if the center continually offers information about poison center services/availability and updates on new and important advances in poisoning management to the health professionals throughout the region.

B. The Regional Poison Center shall provide a public education program aimed at educating both children and adults about poisoning dangers and other necessary concepts related to poison control. This criterion will be considered to be met if the center continually offers through lectures, public media (newspapers, radio, television),

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printed educational materials, or through other instructional modalities, information describing the following:

1. Services and availability of the poison center.

2. Poison prevention measures.

3. First aid measures for poisoning management.

This information must be offered to all parts of the region.

## VI. Association Membership

The applicant center must be an institutional member in good standing of the American Association of Poison Control Centers.

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1) Heading of the Part: Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 130

3) Section Numbers: Proposed Action:  
130.351 New Section

4) Statutory Authority: 35 ILCS 120/2-7

5) A Complete Description of the Subjects and Issues Involved: Explains the Aggregate Manufacturing Exemption by giving examples of exempt and non-exempt activities and equipment. The rule also defines terms and sets forth purchaser certification requirements. Further, sales to a lessor of such equipment is also discussed.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
130.1945	Amendment	1/23/98, 22 Ill. Reg. 2070
130.1940	Amendment	8/14/98, 22 Ill. Reg. 14615
130.1951	Amendment	8/14/98, 22 Ill. Reg. 14615
130.1952	Amendment	8/14/98, 22 Ill. Reg. 14615

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Melanie Jarvis  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
217/782-6996

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business that mines aggregate or sells equipment to aggregate miners.

B) Reporting, bookkeeping or other procedures required for compliance: Taxpayer must give Certificate of Exemption to suppliers when purchasing equipment.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendment(s) begins on the next page:



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## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 130

## RETAILERS' OCCUPATION TAX

## SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

## SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations
130.220	Sales to Lessors of Tangible Personal Property

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.335	Pollution Control Facilities
130.340	Rolling Stock
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

## SUBPART D: GROSS RECEIPTS

Section	
130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the

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## Purchaser

130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges--Penalties--Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

## SUBPART E: RETURNS

Section	
130.501	Monthly Tax Returns--When Due--Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555	Vending Machine Information Returns
130.560	Verification of Returns

## SUBPART F: INTERSTATE COMMERCE

130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

## SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited



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130.715 Sub-Certificates of Registration  
 130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances  
 130.725 Display  
 130.730 Replacement of Certificate  
 130.735 Certificate Not Transferable  
 130.740 Certificate Required For Mobile Vending Units  
 130.745 Revocation of Certificate

## SUBPART H: BOOKS AND RECORDS

Section  
 130.801 General Requirements  
 130.805 What Records Constitute Minimum Requirement  
 130.810 Records Required to Support Deductions  
 130.815 Preservation and Retention of Records  
 130.820 Preservation of Books During Pendency of Assessment Proceedings  
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

## SUBPART I: PENALTIES AND INTEREST

Section  
 130.901 Civil Penalties  
 130.905 Interest  
 130.910 Criminal Penalties

## SUBPART J: BINDING OPINIONS

Section  
 130.1001 When Opinions from the Department are Binding

## SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
 130.1101 Definition of Federal Area  
 130.1105 When Deliveries on Federal Areas Are Taxable  
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

## SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
 130.1201 General Information  
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

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Section  
 130.1301 When Lessee of Premises Must File Return for Leased Department  
 130.1305 When Lessor of Premises Should File Return for Leased Department  
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section  
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
 130.1410 Requirements for Certificates of Resale (Repealed)  
 130.1415 Resale Number--When Required and How Obtained  
 130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
 130.1501 Claims for Credit--Limitations--Procedure  
 130.1505 Disposition of Credit Memoranda by Holders Thereof  
 130.1510 Refunds  
 130.1515 Interest

## SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section  
 130.1601 When Returns are Required After a Business is Discontinued  
 130.1605 When Returns Are Not Required After Discontinuation of a Business  
 130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section  
 130.1701 Bulk Sales: Notices of Sales of Business Assets  
 SUBPART R: POWER OF ATTORNEY

Section  
 130.1801 When Powers of Attorney May be Given  
 130.1805 Filing of Power of Attorney With Department  
 130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

Section  
 130.1901 Addition Agents to Plating Baths



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130.1905	Agricultural Producers
130.1910	Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
130.1915	Auctioneers and Agents
130.1920	Barbers and Beauty Shop Operators
130.1925	Blacksmiths
130.1930	Chiropractists, Osteopaths and Chiropractors
130.1935	Computer Software
130.1940	Construction Contractors and Real Estate Developers
130.1945	Co-operative Associations
130.1950	Dentists
130.1951	Enterprise Zones
130.1952	Sales of Building Materials to a High Impact Business
130.1955	Farm Chemicals
130.1960	Finance Companies and Other Lending Agencies - Installment Contracts - Repossessions
130.1965	Florists and Nurserymen
130.1970	Hatcheries
130.1975	Operators of Games of Chance and Their Suppliers
130.1980	Optometrists and Opticians
130.1985	Pawnbrokers
130.1990	Peddlers, Hawkers and Itinerant Vendors
130.1995	Personalizing Tangible Personal Property
130.2000	Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2005	Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
130.2006	Sales by Teacher-Sponsored Student Organizations
130.2007	Exemption Identification Numbers
130.2008	Sales by Nonprofit Service Enterprises
130.2010	Persons Who Rent or Lease the Use of Tangible Personal Property to Others
130.2011	Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
130.2012	Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
130.2015	Persons Who Repair or Otherwise Service Tangible Personal Property
130.2020	Physicians and Surgeons
130.2025	Picture-Framers
130.2030	Public Amusement Places
130.2035	Registered Pharmacists and Druggists
130.2040	Retailers of Clothing
130.2045	Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
130.2050	Sales and Gifts By Employers to Employees
130.2055	Sales by Governmental Bodies
130.2060	Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
130.2065	Sales of Automobiles for Use in Demonstration

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130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
130.2075	Sales To Construction Contractors, Real Estate Developers and Speculative Builders
130.2080	Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
130.2085	Sales to or by Banks, Savings and Loan Associations and Credit Unions
130.2090	Sales to Railroad Companies
130.2095	Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
130.2100	Sellers of Feeds and Breeding Livestock
130.2105	Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
130.2110	Sellers of Seeds and Fertilizer
130.2115	Sellers of Machinery, Tools and the Like
130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
130.2125	Trading Stamps and Discount Coupons
130.2130	Undertakers and Funeral Directors
130.2135	Vending Machines
130.2140	Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
130.2145	Vendors of Meals
130.2150	Vendors of Memorial Stones and Monuments
130.2155	Vendors of Signs
130.2156	Vendors of Steam
130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
130.2170	Warehousemen

## ILLUSTRATION A: Examples of Tax Exemption Cards

**AUTHORITY:** Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

**SOURCE:** Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended

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at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

## 130.351 Aggregate Manufacturing

- a) General. Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax Act does not apply to sales of aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment used for the exploration and mining of mineral deposits and for the manufacture of resultant aggregate products. The exemption also applies to individual replacement parts for aggregate exploration, mining, off highway hauling, processing, maintenance and

reclamation equipment. The exemption also applies to equipment and replacement parts purchased for lease if those items are used primarily (more than 50%) in the activities noted above. The exemption does not apply to motor vehicles required to be registered pursuant to the Illinois Vehicle Code [625 ILCS 5].

1) "Aggregate" shall mean any mineral deposit or finished product including but not limited to sand, gravel, stone, clay, industrial minerals, composites or other mineral solids, except coal.

2) This exemption applies only to equipment used primarily in aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation. Use of the equipment in any other exploration, mining, off highway hauling, processing, maintenance or reclamation will not qualify for this exemption. Excluded from this reduction are motor vehicles required to be registered pursuant to the Illinois Vehicle Code. Special mobile equipment other than motor vehicles may qualify for the exemption if it is used primarily in aggregate exploration, mining, off highway hauling, processing, maintenance or reclamation. This exemption does not include supplies (such as chemicals, rust inhibitors, adhesives and explosives), coolants, lubricants, items of personal apparel (such as gloves, shoes, hats, helmets, coveralls, masks, mask air filters, belts, harnesses or holsters) or fuel of any type.

3) "Aggregate Exploration" means the search for aggregate. Exploration includes, but is not limited to, excavating, dredging, and drilling to locate aggregate deposits.

4) "Mining" means the extraction of aggregate from the earth by underground and surface mining and includes the extraction of aggregate by the mine owner or operator or his nonpurchaser successors from the waste or residue of prior mining.

5) "Off Highway Hauling" means carrying or transporting and would include transport of overburden or waste material, including byproduct materials from the processing facility for disposal and aggregate from the aggregate deposit to the processing facility by conveyors or unlicensed vehicles.

6) "Processing" means preparation activities performed directly on the aggregate that are necessary for converting aggregate into a finished product so that it is ready for sale. Processing includes, but is not limited to, sizing, crushing, drying and washing.

7) "Maintenance" means keeping aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment in a state of repair and efficiency.

8) "Reclamation" means conditioning areas affected by mining operations. Examples of reclamation activities include, but are not limited to, backfilling, grading, seeding and planting.

9) "Replacement Parts" means parts that are used to replace parts of



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qualifying equipment that require periodic replacement. To be considered a replacement part, the part must be purchased for the purpose of being installed and must, in fact, become a physical component part of aggregate exploration, mining, off highway hauling, processing, maintenance or reclamation equipment.

10) "Kits" means commercially packaged sets of parts that are ordered from a manufacturer, inventoried, and sold by a retailer as a single item. An exempt example would be a "tire assembly" comprised of the rim, tire, foam filling and valve stem.

b) Exempt Activities. By way of illustration and not limitation, the following activities will be considered to constitute aggregate exploration, mining, off highway hauling, processing or maintenance:

1) Aggregate is produced in a surface mining operation that begins with the clearing of surface obstacles and overburden from the land above the aggregate deposit to be mined, continues with the removal of waste material and with the extraction of the aggregate, continues with the transportation from the aggregate deposit to the processing facility, continues further with the refilling and grading of the mined area with overburden and waste material, continues further with the processing of the aggregate, and ends with the stockpiling of the aggregate. By way of illustration and not limitation, the following equipment is exempt:

A) Equipment used to drill and load holes for blasting material used to fracture aggregate for extraction and to transport the blasting material.

B) Equipment used to remove overburden and other waste materials from the deposit to be mined.

C) Equipment used to modify the energy purchased for the surface mining process if the equipment is used to modify the energy for use on exempt equipment.

D) Pumps and hose used to remove water or to divert water from the active mine area.

E) Equipment used to load the overburden, waste material or aggregate to be transported to the processing facility into off highway haulage trucks or onto a conveyor system.

F) Equipment used to extract aggregate from the earth.

G) Unlicensed off highway haulage trucks or a conveyor system to transport overburden, waste material or aggregate to the processing facility.

H) Equipment used to backfill, grade, seed, plant or otherwise reclaim previously mined land.

I) Crushing, screening and other equipment used to beneficiate and size aggregate products.

J) Tangible personal property used in or for the purpose of temporarily storing aggregate before processing is exempt if the aggregate is ultimately processed for resale and is in fact resold.

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K) Equipment used in an aggregate wash plant to clean the aggregate prior to sale to customers.

L) Equipment used to blend different grades of aggregate together so that the final product meets customer specifications.

M) Electrical cable that is part of an electrical distribution system supplying electricity to exempt equipment in the field.

2) Aggregate is produced in an underground mining operation that begins with creating access from the surface to the aggregate deposit to be mined, continues further with the installation of roof supports, continues with the removal of waste material and the extraction of aggregate, continues further with the transportation from the aggregate deposit to the processing facility, continues further with the processing of aggregate and disposal of waste material from the mine and processing facility, and ends with the stockpiling of aggregate. By way of illustration and not limitation, the following equipment is exempt:

A) Equipment used to create access to the aggregate deposit and load aggregate into conveyor belts, trucks or other conveyances used to transport aggregate from the deposit to the processing operation.

B) Conveyor belts, trucks or other conveyances used to transport aggregate from the deposit to the processing operation.

C) The feeder and crusher used to break large pieces of aggregate.

D) Equipment used to modify the energy purchased for the underground mining process if the equipment is used to modify the energy for use on exempt equipment.

E) Pumps and hoses used to remove water from the underground mine.

F) Equipment used to install roof bolt supports and side rib bolt supports, and scaling prior to roof bolting, to prevent mine collapse.

G) Equipment used to coat mine walls with inert material for loose rock safety.

H) Equipment installed as improvements to real estate for mining, such as elevators and rail, ventilating and illuminating systems.

I) Additions to exempt underground rail conveyors and ventilating and illumination systems due to the progression of mining.

J) Equipment used to drill and load holes for blasting material used to fracture aggregate for extraction and to transport the blasting material.

K) Equipment used for transporting aggregate to above-ground

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- facilities.
- L) Tangible personal property used in or for the purpose of temporarily storing aggregate before processing if the aggregate is ultimately processed for resale and is in fact resold.
- M) Equipment used in an aggregate wash plant to clean the aggregate prior to sale to customers.
- N) Equipment used to blend different grades of aggregate together so that the final product meets customer specifications.
- O) Electrical cable that is part of an electrical distribution system supplying electricity to exempt equipment in the field.
- 3) By way of illustration and not limitation, the following maintenance equipment is exempt:
- A) Unlicensed maintenance and welding trucks used for field repair of exempt equipment.
- B) Lathes, drill presses, air compressors and welders used to attach repair parts.
- C) Mobile and overhead cranes.
- D) Equipment used for dust suppression.
- 4) By way of illustration and not limitation, the following aggregate exploration equipment is exempt unless registered pursuant to the Illinois Vehicle Code:
- A) Drill rigs used to drill exploration core holes.
- B) Water trucks used in the drilling process.
- C) Winch and casing trucks used in the drilling process.
- D) Field maintenance trucks used to make repairs on field equipment.
- E) Air compressors.
- c) Nonexempt Activities
- By way of illustration and not limitation, the following activities will not be considered to constitute aggregate exploration, mining, off highway hauling, processing or maintenance:
- 1) The use of equipment in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance or improvement of real estate except for underground mine structures. Material, such as lumber, steel, concrete, rock and other building materials, will not qualify for the exemption except when used in underground mine structures.
- 2) The use of equipment in research and development for new uses of aggregate.
- 3) The use of equipment, trailers, sheds or structures in management, sales or other nonproduction, nonoperational activities including production of extraction scheduling, purchasing, receiving, accounting, fiscal management, communications, security, marketing, product exhibition and promotion, and personnel recruitment, selection or training.

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- 4) the use of equipment to prevent or fight fires or other mining hazards and protective supplies such as face masks, gas masks, helmets, gloves, coveralls, goggles, or first aid equipment and supplies, even though such equipment and supplies may be required by law;
- 5) the use of equipment for general ventilation, heating, cooling, climate control or general illumination not specifically required for the exploration, mining, off highway hauling, processing, maintenance or reclamation operation;
- 6) facilities for storing aggregate after extraction and processing;
- 7) front-end loaders, cranes and equipment used to load aggregate onto trucks, railcars or barges for delivery to customers;
- 8) Equipment primarily used to produce aggregate for either internal consumption or any other nonexempt use, and equipment primarily leased to produce aggregate for either internal consumption or any other nonexempt use, will not be eligible to claim the exemption.
- d) Sales to Lessors of Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 1) For the exemption to apply, the purchaser need not, himself, employ the equipment in aggregate exploration, mining, off highway hauling, processing, maintenance or production. If the purchaser leases the equipment to a lessee who uses it primarily in a qualified manner, the sale to the purchaser-lessor will be eligible for the exemption. A supplier may exclude such sales from his taxable gross receipts if the purchaser-lessor provides him with a properly completed certificate and the information contained therein would support a reduction if the sale were made directly to the lessee.
- 2) Should a purchaser-lessor subsequently lease the equipment to a lessee who does not use it primarily in a way that would qualify for the reduction, the purchaser-lessor will become liable for the tax that he previously did not pay. The tax will be assessed upon the fair market value of the equipment at the time of conversion.
- e) Purchaser Certification
- Certificates must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily for aggregate exploration, mining, off highway hauling, processing, maintenance or reclamation. Sellers may accept blanket certificates, but have the responsibility to obtain and keep all certificates as part of their books and records. If a retailer accepts the certificate and the purchaser does not, in fact, use the equipment in a qualifying manner, the purchaser will be liable to the Department for the tax. Equipment that is initially used primarily in a qualifying manner and, having been so used for less than one-half of its useful life, is converted to nonqualified uses, will become



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subject to tax at the time of conversion. Replacement parts purchased initially for use in a qualifying manner and used in a nonqualifying use will become subject to tax at the time of use.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Numbers: 1650.357  
Proposed Action: New
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code [26 USC 1 et seq.]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 90-448, in part, amended Sections 16-152.1 and 16-154 of the Pension Code (40 ILCS 5/16-152.1, 16-154) to allow the "pick up" of optional contributions which are made through an irrevocable payroll deduction authorization, effective July 1, 1998. This rule clarifies how an employer may continue to pay for a member's optional contributions without going through the payroll deduction program in a manner consistent with the provisions of section 414(h)(2) of the Internal Revenue Code of 1986, as amended, and the most recent interpretations of that section issued by the Internal Revenue Service. Section 414(h)(2) is the federal requirement for a pick up arrangement.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Carl Mowery, General Counsel  
Teachers' Retirement System  
2815 West Washington  
P. O. Box 19253  
Springfield, Illinois 62794-9253  
(217) 753-0961

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begin on the next page:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF  
THE STATE OF ILLINOIS

## PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section  
1650.10 Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

Section  
1650.110 Membership Records  
1650.120 Claims Records (Repealed)  
1650.130 Individual Accounts (Repealed)  
1650.140 Ledger and Accounts Books (Repealed)  
1650.150 Statistics (Repealed)  
1650.160 Confidentiality of Records  
1650.180 Filing and Payment Requirements  
1650.181 Early Retirement Incentive Payment Requirements  
1650.182 Waiver of Additional Amounts Due  
1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

Section  
1650.210 Claim Applications  
1650.220 Reclassification of Disability Claim (Repealed)  
1650.230 Medical Examinations and Investigations of Claims  
1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment  
1650.250 Death Benefits  
1650.260 Evidence of Age  
1650.270 Reversionary Annuity - Evidence of Dependency  
1650.271 Evidence of Parentage  
1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability  
1650.280 Evidence of Marriage  
1650.290 Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section  
1650.310 Effective Date of Membership



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.320 Method of Calculating Service Credits  
 1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit  
 1650.330 Duplicate Service Credit  
 1650.340 Service Credit for Leaves of Absence  
 1650.341 Service Credit for Involuntary Layoffs  
 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy  
 1650.346 Service Credit for Periods Away From Teaching Due to Adoption  
 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement  
 1650.355 Purchase of Optional Service - Required Minimum Payment  
 1650.357 Employer Payment of Optional Contribution Balance  
 1650.360 Settlement Agreements and Judgments  
 1650.370 Calculation of Average Salary (Renumbered)  
 1650.380 Definition of Actuarial Equivalent  
 1650.390 Independent Contractors

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section  
 1650.410 Refunds for Duplicate or Noncreditable Service  
 1650.420 Interest on Deficiencies (Repealed)  
 1650.430 Installment Payments (Repealed)  
 1650.440 Small Deficiencies, Credits or Death Benefit Payments  
 1650.450 Definition of Salary  
 1650.451 Reporting of Conditional Payments  
 1650.460 Calculation of Average Salary  
 1650.470 Rollover Distributions  
 1650.480 Rollovers to the System

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section  
 1650.505 Beneficiary (Repealed)  
 1650.510 Re-entry Into Service  
 1650.520 Suspension of Benefits  
 1650.530 Power of Attorney  
 1650.540 Conservators/Guardians  
 1650.550 Presumption of Death  
 1650.560 Benefits Payable on Death  
 1650.570 Survivors' Benefits  
 1650.575 Full-time Student - Receipt of Survivors Benefits Until Age 22  
 1650.580 Evidence of Eligibility  
 1650.590 Comptroller Offset  
 1650.595 Overpayments

## SUBPART G: ATTORNEY GENERALS' OPINION

Section

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)  
 SUBPART H: ADMINISTRATIVE REVIEW

Section  
 1650.610 Staff Responsibility  
 1650.620 Right of Appeal  
 1650.630 Form of Written Request  
 1650.640 Prehearing Procedure  
 1650.650 Hearing Procedure  
 1650.660 Rules of Evidence

## SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section  
 1650.710 Amendments

## SUBPART J: RULES OF ORDER

Section  
 1650.810 Parliamentary Procedure

## SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section  
 1650.910 Summary and Purpose  
 1650.920 Definitions  
 1650.930 Submission of Requests  
 1650.940 Form and Content of FOIA Requests  
 1650.950 Appeal of a Denial  
 1650.960 Executive Director's Response to Appeal  
 1650.970 Response to FOIA Requests  
 1650.980 Inspection of Records at System Office  
 1650.990 Copies of Public Records  
 1650.995 Materials Available Under Section 4 of FOIA

## SUBPART L: BOARD ELECTION PROCEDURES

Section  
 1650.1000 Nomination of Candidates  
 1650.1010 Petitions  
 1650.1020 Eligible Voters  
 1650.1030 Election Materials  
 1650.1040 Marking of Ballots  
 1650.1050 Return of Ballots  
 1650.1060 Observation of Ballot Counting  
 1650.1070 Certification of Ballot Counting  
 1650.1080 Challenges to Ballot Counting

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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## SUBPART M: RETIREMENT BENEFITS

Section  
1650.2900 Excess Benefit Arrangement

**AUTHORITY:** Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 U.S.C. 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment modified in response to JCAR action at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 13151, effective July 1, 1998, for a maximum of 150 days; amendment at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

## 1650.357 Employer Payment of Optional Contribution Balance

An employer may make a payment of a member's optional contribution balance (see 80 Ill. Adm. Code 1650.356(b)) on behalf of the member once per plan year, subject to the following conditions:

- a) If the member does not have a payroll deduction authorization (80 Ill. Adm. Code 1650.356), the payment shall be either:
  - 1) picked up by the employer in accordance with section 414(h)(2) of the Internal Revenue Code of 1986, as amended (26 USC 414(h)(2)), so that the contribution is not subject to federal income tax in the year in which the contribution is made; or
  - 2) paid as an after-tax contribution for which the member is subject to federal income tax in the year in which the contribution is made.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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## made.

- b) If the member has a payroll deduction authorization (80 Ill. Adm. Code 1650.356) and the employer payment is made prior to the payroll deduction authorization becoming irrevocable (see 80 Ill. Adm. Code 1650.356(d)(7)), the payment shall be either:
  - 1) picked up by the employer in accordance with section 414(h)(2) of the Internal Revenue Code of 1986, as amended (26 USC 414(h)(2)), so that the contribution is not subject to federal income tax in the year in which the contribution is made; or
  - 2) paid as an after-tax contribution for which the member is subject to federal income tax in the year in which the contribution is made.
- c) If the member has a payroll deduction authorization (80 Ill. Adm. Code 1650.356) and the employer payment is made after the payroll deduction authorization becomes irrevocable (see 80 Ill. Adm. Code 1650.356(d)(7)), the payment shall be either:
  - 1) picked up by the employer in accordance with section 414(h)(2) of the Internal Revenue Code of 1986, as amended (26 USC 414(h)(2)), so that the contribution is not subject to federal income tax in the year in which the contribution is made if the authorization for the pick up is made by the employer prior to the date on which the payroll deduction agreement becomes irrevocable; or
  - 2) returned to the employer if the authorization to pick up the contribution is made after the date on which the payroll deduction agreement became irrevocable or if the payment is supposed to be an after-tax contribution.
- d) The employer shall certify to the System whether the payment is made on an after-tax basis or picked up pursuant to a contractual obligation, such as a collective bargaining agreement or an individual employment contract, or pursuant to a resolution of the governing body of the employer.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



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1) Heading of the Part: Oversize and Overweight Permit Movements on State Highways

2) Code Citation: 92 Ill. Adm. Code 554

3) Section Numbers: Proposed Action:

554.310 Amend  
554.407 Amend  
554.409 Amend  
554.422 Amend  
554.509 Amend  
554.518 Amend  
554.803 Amend

4) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III].

5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to revise this Part as follows:

Section 554.310 Procedure Following Arrest for Violation The proposed amendment to this Section allows that movement of a permit load one day before the effective date or one day after the expiration date be considered a violation of the permit rather than that no permit exists. This is a guideline for the State Police to follow where none presently exists.

Section 554.407 When Escort Vehicles are Required The proposed amendment to this Section further defines when and how many escort vehicles are required with permit loads.

Section 554.409 Mobile Homes This proposed amendment allows for the movement of mobile homes up to a total length of 115 feet. The overall length of 115 feet is currently State law [625 ILCS 5/15-304] and this amendment will bring the rule into conformance with the law.

Section 554.422 When Moves May be Made This proposed amendment allows overweight only objects (all legal dimensions) subject to normal permit restrictions to move on a 24-hours-per-day, 7-days-per-week basis. This practice has been standard operating procedure for the past two years.

Section 554.509 Maximum Size Mobile Home, Modular Home, or Oversize Storage Building This proposed amendment updates the maximum size of mobile homes, modular homes or oversize storage buildings on Illinois highways. A maximum length of 115 feet is now State law [625 ILCS 5/15-304] and this amendment will allow for conformance with that law.

Additionally, the Department is proposing an amendment to this Section

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that no longer limits the permitted height of mobile homes, modular homes or oversize storage buildings to 15 feet when moving under the authority of a single or round trip permit. A maximum height of 15 feet will remain when moving under the authority of a Limited Continuous Operation Permit.

Section 554.518 Building Section This proposed amendment removes the restriction for movement of building sections at heights greater than 15 feet when under the authority of a single trip or round trip permit. When moving a building section under the authority of a Limited Continuous Operation Permit, the 15 feet maximum height will remain.

Additionally, building sections are now allowed a maximum overall length of 115 feet when moving under authority of a permit.

Section 554.803 Railroad Derailment Emergency Moves This proposed amendment removes gender specific language when performing certain tasks and replaces the language with "he/she." In addition, annual permits for the movement of equipment to derailment sites are now State law [625 ILCS 5/15-308.1]. The addition of this portion of the amendment will allow for conformance with State law.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

Mr. Joseph Hill, Chief  
Bureau of Operations  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 009  
Springfield, Illinois 62764  
217/782-7231

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

## DEPARTMENT OF TRANSPORTATION

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12) Initial Regulatory Flexibility Analysis: An oversize/overweight permit is valid for a five day working period. Under the current rules, if the mover is found to be operating outside of the effective date of his/her permit, the situation is treated as if no permit exists by the Illinois State Police. The fines for this offense can potentially total thousands of dollars. The proposed revision will mandate that a mover operating either one day before or one day after the effective date or expiration date of the permit be found guilty of only a violation of permit. A violation of permit carries a mere \$75 fine. This revision could, ostensibly, save small business owners a great deal of money when making this mistake.

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER f: HIGHWAYS

## PART 554

## OVERSIZE AND OVERWEIGHT PERMIT MOVEMENTS ON STATE HIGHWAYS

## SUBPART A: GENERAL REGULATION

Section  
554.101 Legal Authority  
554.102 Partial Invalidity  
554.103 Scope  
554.104 When a Permit is Required  
554.105 To Whom Permits are Issued  
554.106 A Permit is a Legal Document  
554.107 Penalties  
554.108 Insurance  
554.109 For-Hire Moves  
554.110 Illinois Motor Vehicle Laws  
554.111 General IDT Information  
554.112 IDT Registration

## SUBPART B: TYPES OF PERMITS

Section  
554.201 Permits for Single Trip Movements  
554.202 Permits for Round Trips  
554.203 Permits for Repeated Moves of Like Objects  
554.204 Permits for Limited Continuous Operation  
554.205 Permits for Repeated Moves Directly Across a Highway  
554.206 Permits for the Movement of Overweight 2-Axle Truck Loaded with Sweet Corn, Soybeans, Corn, Wheat, Milo, or Other Small Grains and Ensilage  
554.207 Permits for the Movement of Construction Equipment within a Construction Zone  
554.208 Supplemental Permits  
554.209 Scope: Duty of Permittee to Read Permit Upon Receipt  
554.210 Extension of Permits  
554.211 Revision of Permits  
554.212 Fraudulent Permit

## SUBPART C: ISSUANCE OF PERMITS

Section  
554.301 Transmission Media  
554.302 Original Transmission Only is Valid as Permit (Repealed)  
554.303 When Permits Are Issued  
554.304 Permit Office



## DEPARTMENT OF TRANSPORTATION

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554.305 District Offices  
 554.306 Method of Application  
 554.307 Data Needed on Application  
 554.308 Responsibilities of the Department in Analysis of Applications  
 554.309 Preliminary Application for Estimating Purposes for Proposed Moves  
 554.310 Procedure Following Arrest For Violation  
 554.311 Subsequent Permits Following a Violation  
 554.312 Permits for Moves Over Toll Highways  
 554.313 Permits for Moves Over Local Roads  
 554.314 Moves Upon Structures Located on a Local Street or Highway Spanning an Interstate or Controlled Access Highway

## SUBPART D: GENERAL CONDITIONS AND PROVISIONS

Section  
 554.401 Conditions and Restrictions  
 554.402 Short Form Permits  
 554.403 Form BT 993  
 554.404 When Flagmen are Required (Repealed)  
 554.405 Qualifications for Flagmen (Repealed)  
 554.406 Duty of Flagman (Repealed)  
 554.407 When Escort Vehicles are Required  
 554.408 Requirements for Civilian Escorts  
 554.409 Mobile Homes  
 554.410 Overdimension  
 554.411 Overweight Moves  
 554.412 Axle Suspension for Legal Weight Moves  
 554.413 Axle Suspension for Overweight Moves  
 554.414 Buildings  
 554.415 Farm Tractors Prohibited as Towing Vehicle  
 554.416 Double-Bottom Units  
 554.417 Flags  
 554.418 Rotating or Flashing Amber Lights  
 554.419 Oversize Load Signs  
 554.420 General Speed Limits for Permit Movements  
 554.421 Moves in Convoys Prohibited  
 554.422 When Moves May be Made  
 554.423 Moves Over Posted Load Roads and Bridges  
 554.424 Time Limits  
 554.425 Deviation from Authorized Routes  
 554.426 Permit Must be Carried with the Move  
 554.427 Closure of Highway for Permit Movement  
 554.428 Right-of-Way During Movement  
 554.429 Legal Height Movements

## SUBPART E: OVERDIMENSION VEHICLES AND LOADS

Section

## DEPARTMENT OF TRANSPORTATION

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554.501 Scope  
 554.502 Legal Dimensions  
 554.503 Exceptions to Legal Limitations  
 554.504 Overwidth up to 14 Feet 6 Inches Wide  
 554.505 Width Exceeding 14 Feet 6 Inches  
 554.506 Horizontal Clearances  
 554.507 Overlength  
 554.508 Overheight  
 554.509 Maximum Size Mobile Home, Modular Home, or Oversize Storage Building  
 554.510 Mobile Home Frames  
 554.511 Buildings  
 554.512 Size of Building that may be Moved  
 554.513 Distances Buildings may be Moved  
 554.514 When Work is Required on Highway  
 554.515 Overhead Clearances  
 554.516 Routes upon Which Buildings may be Moved  
 554.517 Conditions Applicable to Building Moves  
 554.518 Building Sections

## SUBPART F: OVERWEIGHT VEHICLES AND LOADS

Section  
 554.601 Scope  
 554.602 Legal Weights  
 554.603 Exceptions to Legal Weights  
 554.604 Practical Maximum Weights  
 554.605 Moves in Excess of Practical Maximums  
 554.606 Maximum Weight on Chicago Expressways  
 554.607 Movement to a Designated Scale  
 554.608 Status of Permittee While Enroute to the Scale  
 554.609 Movement of Off-Road Overweight Equipment  
 554.610 Movement of Exceptionally Large Equipment

## SUBPART G: SPECIFIC POLICIES INDUSTRIAL HIGHWAY CROSSING

Section  
 554.701 Scope  
 554.702 Data Required  
 554.703 Changes in Traffic Conditions  
 554.704 Aircraft  
 554.705 Disabled Vehicles  
 554.706 Implements of Husbandry  
 554.707 Road Testing of Vehicles or Equipment  
 554.708 Secret Files  
 554.709 Government Moves by Commercial Carriers  
 554.710 Military Moves by Service Personnel

## SUBPART H: EMERGENCIES AND HAZARDOUS MATERIALS

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Section	General
554.801	Mobile Home Emergency Moves
554.802	Railroad Derailment Emergency Moves
554.803	Radioactive Materials
554.804	Toxic, Gaseous, and Highly Explosive Materials
554.805	Livestock
554.806	

## SUBPART I: FEES

Section	Remittance
554.901	Exemptions to the Requirement of Payment of Fees
554.902	Bonded Charge Accounts
554.903	Refunds
554.904	Security Requirements
554.905	Basis for Fees
554.906	Supplemental Permit Fees
554.907	Service Charge for Special Handling
554.908	Fees for Buildings and Special Moves
554.909	Fee for Engineering Inspections and Investigations
554.910	Fees for Illinois State Police Escorts
554.911	Special Categories of Fees (Repealed)
554.912	Other Overweight Fees (Repealed)
554.913	Fees for Round Trip and Repeat Move of Like Object Permits (Repealed)
554.914	Fee Schedules (Tables 1, 2, and 3) (Repealed)
554.915	

APPENDIX A	Data Relative to Vehicles Authorized to Operate on Illinois Highways (Repealed)
APPENDIX B	Legal Gross Weights of Vehicles and Combinations of Vehicles Authorized by Section 15-111, Illinois Vehicle Code (Repealed)
APPENDIX C	Application Form BT 1928 (Repealed)
APPENDIX D	Special Vehicle Movement Permit - Form BT 993 (Repealed)
APPENDIX E	Form BT 750 (Repealed)
APPENDIX F	Form BT 751 (Repealed)
APPENDIX G	Application for Establishment of an Open Account with the Permit Section, Bureau of Traffic (Form BT 1932) (Repealed)
APPENDIX H	Bond for Payment of Special Permit Fees and Charges to Illinois Department of Transportation for Movement of Vehicles of Excess Dimensions or Weight Over Illinois Highways (Form BT 1931) (Repealed)

AUTHORITY: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 2, p. 256, effective January 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 24, p. 586, effective May 29, 1980; codified at 7 Ill. Reg. 9672; amended at 11 Ill. Reg. 3248,

## DEPARTMENT OF TRANSPORTATION

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effective February 3, 1987; amended at 12 Ill. Reg. 13232, effective July 29, 1988; amended at 20 Ill. Reg. 2565, effective January 25, 1996; amended at 21 Ill. Reg. 2682, effective February 10, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: ISSUANCE OF PERMITS

## Section 554.310 Procedure Following Arrest For Violation

- a) Following an arrest for violation of a permit, if the load can be shifted to comply with the provisions of the permit, the driver or owner may make the shift and then proceed. If the load cannot be shifted or otherwise adjusted to comply with the permit, a new permit must be secured following the same procedures as for an original permit.
- b) If the permit designates and includes a routing to a certified scale that was requested on the application as outlined in Section 554.607, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than 2000 pounds on a single axle, 3000 pounds on a tandem axle, and 5000 pounds on the gross weight. Before leaving the designated scale area, the permittee must either:
  - 1) shift the load to comply with the permitted weights,
  - 2) obtain a revision from the Permit Office if the final weights exceed the permit limits but are within the tolerances, or
  - 3) obtain a new permit if the weight tolerances are exceeded.
- c) Once a permit is violated for weights above tolerance limits, a revision will not be issued even though weights can be adjusted to be within tolerance limits.
- d) The fact that a new permit may be issued to continue the move carries no assumption of intent, error, mistake, or mitigating circumstances concerning the limitations, conditions, or provisions contained in the original permit that may affect its status subsequent to arrest.
- e) In the event that a permit load is found moving either one day before the effective date or one day after the expiration date of the permit, the incident will be considered a violation of permit; however, the permit remains valid. (See 625 ILCS 5/15-301(h).) Outside of these limitations (two or more days before or after the effective date or expiration date), the officer shall proceed with violations of 625 ILCS 5/15-111 as no valid permit exists.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: GENERAL CONDITIONS AND PROVISIONS

## Section 554.407 When Escort Vehicles Are Required



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## NOTICE OF PROPOSED AMENDMENTS

- a) One civilian escort vehicle is required:
- 1) For all moves that exceed 14 feet 6 inches in width;
  - 2) For all moves that exceed 110 feet in length;
  - 3) For all moves that exceed 14 feet 6 inches in height;
  - 4) For any move either across, upon, or along a highway when additional warning is required to alert the traveling public. For instance, if a movement is required to travel during darkness or on a weekend to respond to an emergency situation, a civilian escort will be required.
- b) Two civilian escort vehicles are required:
- 1) For all moves that exceed 16 feet in height; or
  - 2) For all moves that exceed both 14 feet 6 inches in width and 14 feet 6 inches in height;
  - 3) For all moves that exceed both 14 feet 6 inches in height and 110 feet in length;
  - 4) For all moves that exceed both 14 feet 6 inches in width and 110 feet in length.
- c) Three civilian escorts are required:
- 1) For all moves that exceed 16 feet in width;
  - 2) For all moves that exceed 145 feet in length;
  - 3) For all towed special haul rigs more than 150 feet in length.
- d) Illinois State Police Escorts
- 1) Illinois State Police escorts are required:
    - A) For moves greater than 18 feet wide;
    - B) For moves of greater than 175 feet in length;
    - C) For moves over 18 feet high;
    - D) For overweight moves where bridge restrictions require that all traffic be kept off of a structure while the permitted vehicle crosses; or
    - E) For any move of an unusual nature where additional traffic control is necessary to alert the motoring public to the permit movement.
  - 2) These moves will normally be made partially or entirely outside a municipality. The permittee must make all arrangements with the designated State Police Headquarters at least 24 hours prior to the move. The Permit Office may determine a State Police escort is not necessary in some instances including but not limited to the following:
    - A) on moves made within a municipality if local police are utilized as specified in Section 554.407(d);
    - B) on movements where the object will only cross a State highway and minimal disruption of traffic is anticipated; or
    - C) on moves over 18 feet high if a field investigation reveals there are not any overhead obstructions.
  - e) Local police escorts may be required in lieu of State Police escorts when the move is made entirely within the limits of a city or county. It is the responsibility of the permittee to make all arrangements with the local police when the permit specifies such an escort as a

## DEPARTMENT OF TRANSPORTATION

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condition of the permit.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 554.409 Mobile Homes

Following are the minimum size vehicles that may be used to tow house trailers:

- a) 8 feet wide - passenger car.
- b) Over 8 feet up to 10 feet wide, 70 feet overall length - 3/4-ton truck
- c) Over 10 feet up to 12 feet wide, 115 95 feet overall length - 1-ton truck with dual wheels.
- d) Over 12 feet wide up to 115 95 feet overall length - 2-ton truck with dual wheels.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 554.422 When Moves May be Made

- a) Permit movements on most State highways are limited to travel from a half hour before sunrise to a half hour after sunset, Monday through Friday, and from a half hour before sunrise until noon on Saturday except as follows:

- 1) Movements are restricted on specified holidays, beginning at noon the day preceding the holiday or the holiday weekend. The specified holidays are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- 2) Movement shall not be made when the highway is covered with snow or ice or when visibility is unduly impaired by rain, snow, fog, smog or at anytime travel conditions are considered to be unsafe by the Department or State Police. Movements of house trailers over 12 feet wide is prohibited when wind gusts exceed 25 miles per hour.
- 3) Emergency and other special movements may be authorized for travel at any time if the need is justified. Other special movements may include those that would be better accommodated during hours when it would be less disruptive to other traffic and movements that are of critical importance to industry due to the tight time constraints. For example, repairs to the expressway system in Cook County are often done at night and on weekends. If equipment is required to do the work and there is no storage at the site, a permit may be issued authorizing travel to and from the jobsite during the hours of construction.
- 4) Movements exceeding the practical maximum size and weight limits may be restricted to a specified day and time. (See also Section 554.310(e) regarding violations.)
- 5) Movements exceeding 14 feet 6 inches in width and those movements

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that are to be accompanied by State Police or Department personnel are generally restricted to travel on days when the Permit Office is open.

6) Overweight permit loads with legal dimensions are allowed 24 hours a day, seven days a week movement.

b) Permit movements in Cook County are subject to the following additional restrictions.

1) Movements exceeding 10 feet in width, 13 feet 6 inches in height, and 88,000 pounds gross weight are prohibited on the expressways in Cook County, except Interstate Route 80, Interstate Route 57 from U.S. Route 6 (159th Street) south, Illinois Route 394 from Interstate Route 80 south, Interstate Route 290 north of St. Charles Road, and Illinois Route 53.

2) Within the area bounded by 95th Street, Illinois Route 50 (Cicero Avenue), Roosevelt Road, Central Avenue, Touhy Avenue, and Lake Michigan that is in the City of Chicago, and on expressways in Cook County north of Interstate Route 80 and east of Illinois Route 83, permit movements not exceeding 10 feet in width are authorized between the hours of 9:30 a.m. and 3:00 p.m. (until noon on Saturday). Movements exceeding 10 feet but less than 12 feet in width are authorized only between the hours of 7:00 p.m. and 6:00 a.m. Moves 12 feet or more in width must be made between midnight and 6:00 a.m. Movements exceeding 10 feet in width and having an origin or destination within this area may travel during hours of darkness in Cook County for a distance of up to 10 miles outside the nearest boundary of this area.

3) Movements over 12 feet in width within Cook County that are not subject to the restrictions in subsection (b) Paragraph (2) are authorized only between the hours of 9:30 a.m. and 3:00 p.m. (until noon on Saturday).

4) Contact should be made with the City of Chicago (312/744-4696) regarding permit requirements for movements on all streets and highways within the city other than the expressways.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: OVERDIMENSION VEHICLES AND LOADS

## Section 554.509 Maximum Size Mobile Home, Modular Home, or Oversize Storage Building

The maximum size mobile home, modular home section, or oversize storage building combination that may be moved in Illinois is 16 feet 0 inches wider-15 feet-high and 115 99 feet long. This includes the towing vehicle. (See 5/15-304.)<sup>1</sup> Movements under authority of a Limited Continuous Operation Permit shall be restricted to a maximum height of 15 feet.

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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 554.518 Building Sections

a) Regulations governing permits for the movement of prefabricated house or building sections fall within two categories. The governing category depends on the type of vehicle on which the module is transported. The governing categories are movement as a house trailer and movement as a building.

b) Building sections moved under mobile home regulations are those transported on a frame and wheel assembly, on a trailer, or on a vehicle closely resembling a mobile home frame. The section must be specifically identified. The movement is made under the same restrictions, conditions, and provisions as a house trailer move and may not exceed 16 feet 0 inches wider-15 feet-high and 115 99 feet combination length. Movements under the authority of a Limited Continuous Operation Permit shall be restricted to a maximum height of 15 feet.

c) Building sections moved under building regulations are those transported on a regular lowboy semitrailer with a fifth wheel connection and with the axles near the rear of the semitrailer. A specially designed vehicle may also be used if it is normally considered as a semitrailer, with the axles near the rear, and it is normally licensed as a semitrailer.

d) Permits for multiple moves in excess of 16 feet 0 inches wide over the same route or from a central point will not be issued without exceptional justification of need.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART H: EMERGENCIES AND HAZARDOUS MATERIALS

## Section 554.803 Railroad Derailment Emergency Moves

Emergency moves of vehicles or loads to railroad derailments may be authorized for movement over State highways during periods when normal permits are restricted, provided:

a) There is a loss of life threatened, hazardous materials are involved, a mainline or other major line is blocked, and the Department is notified of the incident no more than six hours after it has occurred. If more than six hours have elapsed before the Department is advised, the situation is not generally considered to be of an emergency nature.

b) During normal working hours, the emergency services company must obtain a standard permit by contacting (217)785-1477. If the incident occurs when the Permit Office is not open, the railroad representative



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

and the requested emergency services company must contact the central dispatcher (217/782-2937) within six hours of the time of occurrence to request the move and provide details. The required information that must normally be provided before authorization will be granted includes the exact location of the incident, the time of occurrence, the number of cars involved, an exact listing of the commodities contained in each car, the description of equipment needed, the origin and requested routing of the move. If loss of life is threatened or a highway is blocked, the Permit Office may waive the immediate need for some of this information.

c) After receipt and verification of the required information, the Department representative will check the requested routing to ensure it will safely accommodate the load. If the authorization is approved, he/she will then issue the permit by telephone and send a Teletype message to the Illinois State Police. He/she will also advise the State Emergency Management Services-and-Bisaster Agency of the incident and the commodities involved. In order to obtain an authorization for movement at night or on weekends, the permittee must have received prior Permit Office approval of their escort and emergency lighting protection or have approval from the Illinois State Police that they will escort the move.

d) That, due to the physical capacity of the highways, the proposed moves be 12 feet or less in width, of legal height, and not exceed the practical maximum weights listed in Section 554.604.

e) That insofar as practicable, all safety precautions and operational conditions normally imposed by the Permit Office for special movement be observed.

f) If traveling conditions on the involved highways are considered hazardous due to weather, the Department's dispatcher will contact the Illinois State Police and, if necessary, hold the authorization until the highways are sufficiently clear to allow safe movement. While the provision may result in some delay, it is the Department's responsibility to ensure the presence of these oversize and overweight movements on the highway does not unduly endanger other motorists.

g) After release of the authorization, the permit fee will be charged to the emergency service company's account or be processed for billing.

h) That annual permits are available to move oversize or overweight equipment to the sites of train derailments and shall include all equipment otherwise eligible to obtain single trip permits under normal situations. Annual permits can be used at any time for movement to the site of a train derailment. [625 ILCS 5/15-308.1]

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Immigration Services

2) Code Citation: 14 Ill. Adm Code 485

3) Section Numbers: Adopted Action:

485.10 New

485.20 New

485.30 New

485.40 New

485.50 New

485.60 New

485.Exhibit A New

485.Exhibit B New

485.Exhibit C New

4) Statutory Authority: 815 ILCS 505/2AAA

5) Effective Date of Rulemaking: August 14, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A statement that a copy of the adopted rule including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:

May 8, 1998, 22 Ill. Reg. 7714

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The word "and" was inserted after the word "attorney" in the second line of Section 485.60(b). Various technical changes that JCAR had intended to make in the first notice but did not make are also included.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rule, which applies to providers of immigration service, prescribes the form for registration statements, establishes maxima for fees that providers may charge for services,

## ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

establishes the required amounts for bond and insurance, and adds requirements relating to the cancellation of their contracts and relating to their signs and advertising.

- 16) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Sandra Lovestrand, Assistance Attorney General  
Office of the Attorney General  
100 West Randolph Street - 12th Floor  
Chicago, Illinois 60601  
(312) 814-3786

The full text of the Adopted Rules begins on the next page:

## ATTORNEY GENERAL

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TITLE 14: COMMERCE  
SUBTITLE B: CONSUMER PROTECTION  
CHAPTER II: ATTORNEY GENERAL

PART 485  
IMMIGRATION SERVICES

Section	
485.10	Registration
485.20	Malpractice Insurance and/or Surety Bond
485.30	Changes in Registration or Verification
485.40	Maximum Fees for Services
485.50	Contracts: Time and Manner of Cancellation
485.60	Signs and Advertising
Exhibit A	Registration Statement
Exhibit B	Verification of Malpractice Insurance
Exhibit C	Verification of Surety Bond

AUTHORITY: Implementing and authorized by Section 2AA of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2AA].

SOURCE: Adopted at 22 Ill. Reg. 15568, effective AUG 14 1996.

## Section 485.10 Registration

Persons engaged in the offering of immigration assistance service (hereafter "immigration service providers") must complete and file with the Office of the Attorney General an annual registration statement in the form set forth in Exhibit A of this Part and must comply with the terms of that statement. The registration statement shall be filed each year on or before the anniversary date of the original filing.

## Section 485.20 Malpractice Insurance and/or Surety Bond

Persons engaged in the provision of immigration assistance service shall secure malpractice insurance with a minimum policy limit of \$100,000, or a surety bond in the amount of \$100,000, and shall submit to the Office of the Attorney General verification of the surety in the form set forth in Exhibit B or C of this Part, respectively. Reverification shall be submitted annually with the registration statement.

## Section 485.30 Changes in Registration or Verification

Registrants must provide written notification to the Attorney General of any changes in the information reported in the registration statement or in the



## ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

insurance or surety bond verification forms within 90 days after the changes.

**Section 485.40 Maximum Fees for Services**

- a) Preparation and Completion of Forms. Immigration service providers shall charge no more than \$5 per quarter hour (15 minutes) for permissible services listed below:
  - 1) Completing a government agency form, requested by the customer and appropriate to the customer's needs, only if the completion of that form does not involve a legal judgment for that particular matter.
  - 2) Transcribing responses to a government agency form that is related to an immigration matter, but not advising a customer as to his or her answers on those forms.
  - 3) Translating information on forms to a customer and translating the customer's answers to questions posed on those forms.
  - 4) Securing for the customer supporting documents currently in existence, such as birth and marriage certificates, that may need to be submitted with government agency forms.
  - 5) Translating documents from a foreign language into English.
  - 6) Preparing or arranging for the preparation of photographs and fingerprints.
  - 7) Arranging for the performance of medical testing (including X-rays and AIDS tests) and the obtaining of reports of such test results.
- b) No Attorney Referral Fees. No person subject to these regulations may charge fees directly or indirectly for referring an individual to an attorney who could undertake legal representation for a person in an immigration matter.
- c) Notarization Fees. Persons subject to these regulations may charge a fee for notarizing documents as permitted by the Illinois Notary Public Act [5 ILCS 312].
- d) English, Civics Courses. Persons subject to this Part may charge reasonable fees for the provision of English and Civics courses, but these fees shall not exceed \$5 per classroom hour of instruction.
- e) Envelopes, Photographs. Any person subject to this Part may charge for the provision of envelopes and photographs only if the person who is charged is advised, orally and in writing, and in a language understood by that person, that s/he is free to obtain his or her own photographs and envelopes, and may supply them for use in any submission to INS at no additional charge. No person subject to this Part may charge for the provision of more photographs than are required by the INS and that are to be provided to INS as part of any submission prepared in whole or in part by such person.

**Section 485.50 Contracts: Time and Manner of Cancellation**

A person subject to this Part shall provide the consumer with a contract

## ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

written in English and in the language of the consumer. The contract shall state a time and manner for cancellation as follows:

- a) Time for Cancellation: 3-Day Right of Cancellation. The contract for services must inform the consumer that s/he may rescind the contract within 72 hours, or 3 business days, after entering into the contract. This right of cancellation is in addition to any right of cancellation provided for by Section 2B of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2B] or any other statute.
- b) Business Day Defined. For purposes of calculating the 3-day period discussed in subsection (a) above:
  - 1) Sunday shall not be calculated as a business day.
  - 2) Saturday shall be calculated as a business day.
- c) Manner of Cancellation. The contract must inform the consumer how s/he may cancel the contract for services.

**Section 485.60 Signs and Advertising**

- a) A person subject to this Part shall post on his or her premises the signs described below in English and in every other language in which the person provides or offers to provide assistance in immigration matters. English and foreign language signs shall be posted on separate signs. These individual signs shall be posted in a location where they will be visible to customers. Each sign shall be at least 11 inches by 17 inches, and the print on each sign shall be at least 1-1/2 inches tall. Each sign shall contain the following words or their substantial equivalents:
  - 1) The statement "I AM NOT AN ATTORNEY OR A LEGAL REPRESENTATIVE ACCREDITED BY THE IMMIGRATION AND NATURALIZATION SERVICE."
  - 2) The statement "I AM NOT ACCREDITED TO REPRESENT YOU BEFORE THE IMMIGRATION AND NATURALIZATION SERVICE OR THE UNITED STATES BOARD OF IMMIGRATION APPEALS," if applicable.
  - 3) Any fee schedule or fees charged for services rendered.
  - 4) The statement "YOU MAY CANCEL ANY CONTRACT WITHIN 3 BUSINESS DAYS AND HAVE YOUR MONEY AND DOCUMENTATION RETURNED TO YOU FOR SERVICES NOT PERFORMED."
- b) Every person engaged in immigration assistance service who is not an attorney and who advertises immigration assistance service in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall post or otherwise include with such advertisement a notice in English and the language in which the advertisement appears. This notice shall be of a conspicuous size, if in writing, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If such advertisement is made by radio or television, the statement may be modified but must include substantially the same message.

ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

## Section 485. EXHIBIT A Registration Statement

STATE OF ILLINOIS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER FRAUD BUREAU  
100 WEST RANDOLPH STREET - FLOOR 12  
CHICAGO, ILLINOIS 60601

## REGISTRATION STATEMENT OF IMMIGRATION SERVICE PROVIDER

NOTE: The Registrant shall not, by completing this form, construe such action as an approval or sanction of the business practices of the Registrant by the State of Illinois or the Office of the Attorney General.

Today's Date: \_\_\_\_\_

This registration statement, together with verification of malpractice insurance and/or a surety bond in the amount of \$100,000, is to be filed with the Office of the Attorney General. When a change in the information contained in either of these statements occurs, the registered immigration service provider must file a statement of amendments within 90 days.

1. Name of immigration service provider: \_\_\_\_\_

Address, City, Zip Code: \_\_\_\_\_

Area Code and Telephone: \_\_\_\_\_

2. Legal description of immigration service provider (i.e., corporation, partnership, assumed name, etc.): \_\_\_\_\_

3. Name, address and telephone number of individuals authorized to accept service of process on behalf of the immigration service provider. \_\_\_\_\_

4. Name, address and telephone number of any and all persons who directly or indirectly own or control 10% or more of the immigration service provider's business. (If additional space is needed, attach listing.) \_\_\_\_\_

ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

5. Malpractice Insurance and/or Surety Bond Information.  
Please check one of the following, and complete relevant sections below:

I have Malpractice Insurance \_\_\_\_\_ I have a Surety Bond \_\_\_\_\_

## A. MALPRACTICE INSURANCE INFORMATION

1. Name, address, telephone of Malpractice Insurance Carrier: \_\_\_\_\_

2. Policy No.: \_\_\_\_\_

3. Policy Amount: \_\_\_\_\_

4. Expiration Date: \_\_\_\_\_

## B. SURETY BOND INFORMATION

1. Name, address, telephone of Bonding Company: \_\_\_\_\_

2. Bond No.: \_\_\_\_\_

3. Bond Amount: \_\_\_\_\_

4. Expiration Date: \_\_\_\_\_

6. Has there, during the existence of the immigration service provider's business operation, ever been any litigation or complaint filed against it by a local or governmental authority of the State of Illinois, any other state, or the United States, relating to the business operations of the registering immigration service provider? \_\_\_\_\_

yes \_\_\_\_\_ no \_\_\_\_\_



ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

7. If the answer to question 6 above is "no," complete and notarize the following statement:

I, \_\_\_\_\_, under oath, do hereby affirm there has been no litigation or complaint filed against \_\_\_\_\_ (name of provider) by any local or governmental authority of the State of Illinois, any other state, or the United States.

Signature of Affirmant, Title or Official Capacity \_\_\_\_\_

Subscribed and affirmed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

(Seal)

NOTARY PUBLIC

8. If the answer to question 6 above is "yes," answer the following:

- i) Name and address of the plaintiff or complainant.

- ii) Name and address of the court or governmental office where the lawsuit or complaint was filed.

- iii) Filing number of the lawsuit or complaint brought against the immigration service provider.

- iv) Date when the lawsuit or complaint was filed.

- v) A brief description of the nature of the lawsuit or complaint.

ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

(Attach additional pages if necessary.)

- vi) What outcome (i.e., trial, settlement)?

9. If the answer to question 6 above is "yes," complete and notarize the following statement:

I, \_\_\_\_\_, under oath, do hereby affirm the foregoing statements and affirm any and all attachments are true and correct.

Signature of Affirmant, Title or Official Capacity \_\_\_\_\_

Subscribed and affirmed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

(Seal)

NOTARY PUBLIC

ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

## Section 485.EXHIBIT B Verification of Malpractice Insurance

STATE OF ILLINOIS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER FRAUD BUREAU  
100 WEST RANDOLPH STREET - FLOOR 12  
CHICAGO, ILLINOIS 60601

VERIFICATION OF MALPRACTICE INSURANCE  
BY IMMIGRATION SERVICE PROVIDER

NOTE: The Registrant shall not, by completing this form, construe such action as an approval or sanction of the business practices of the Registrant by the State of Illinois or Office of the Attorney General.

Today's Date \_\_\_\_\_

Insurance Carrier: \_\_\_\_\_

Address, City, Zip Code \_\_\_\_\_

Policy No.: \_\_\_\_\_ Coverage Amount: \$ \_\_\_\_\_

Expiration Date: \_\_\_\_\_

## KNOW ALL PERSONS BY THESE PRESENTS:

That \_\_\_\_\_, (Name of Insured) providing immigration services as defined by Section 2AA of the Illinois Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2AA] (hereinafter, "the Act") and located at \_\_\_\_\_ (address), as insured, and \_\_\_\_\_ (Name of Insurer), are held firmly bound unto the People of the State of Illinois in the penal sum of \$100,000, for the payment of which, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

The insured is engaged in the business of providing immigration services within the meaning of the Act and is required to furnish verification of malpractice insurance coverage.

Violation of the Act by the insured shall constitute malpractice notwithstanding any exclusionary clauses in the policy statement of said malpractice insurance coverage, a copy of which is attached hereto and incorporated herein as Exhibit A.

The Attorney General or State's Attorney of any County may bring an action against the insured for violations of the Act, and the insured shall be

ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

obligated for any and all judgments entered against the insured.

The liability of insurer for indemnifying any claim shall be limited to actual damages arising from insured's violation of the Act.

The aggregate liability of the insurer on all claims whatsoever shall not exceed the amount of this policy.

This policy is executed by the insurer to comply with the provisions of the Act, and the policy shall be subject to all of the terms and provisions thereof.

IN WITNESS WHEREOF, the named insured, by a duly authorized officer or representative, has hereunto set its seal, and the named insurer has caused these presents to be signed by its duly authorized officer this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Insured \_\_\_\_\_

Insurer \_\_\_\_\_

By: \_\_\_\_\_

Signature of officer or agent

By: \_\_\_\_\_

Signature of officer or agent

Address \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

(Seal)

\* \* \*

Notary Public \_\_\_\_\_

AN IMMIGRATION SERVICE PROVIDER IS REQUIRED TO CONTINUOUSLY MAINTAIN MALPRACTICE INSURANCE WITH MINIMUM COVERAGE OF \$100,000, OR A SURETY BOND IN THE AMOUNT OF \$100,000. THE PROVIDER SHALL ALSO MAINTAIN A SURETY BOND FOR A PERIOD OF 2 YEARS FOLLOWING THE DATE ON WHICH IT CEASES OPERATIONS.



ATTORNEY GENERAL

## NOTICE OF ADOPTED RULES

## Section 485, EXHIBIT C Verification of Surety Bond

STATE OF ILLINOIS  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER FRAUD BUREAU  
100 WEST RANDOLPH - FLOOR 12  
CHICAGO, ILLINOIS 60601

VERIFICATION OF SURETY BOND  
BY IMMIGRATION SERVICE PROVIDER

NOTE: The Registrant shall not, by completing this form, construe such action as an approval or sanction of the business practices of the Registrant by the State of Illinois or the Office of the Attorney General.

Today's Date: \_\_\_\_\_

Bond Number: \_\_\_\_\_ Bond Amount: \$ \_\_\_\_\_

Expiration Date: \_\_\_\_\_

## KNOW ALL PERSONS BY THESE PRESENTS:

That \_\_\_\_\_, (Name of Principal) providing immigration services as defined by Section 2AA of the Illinois Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2AA] (hereinafter, "the Act"), located at \_\_\_\_\_ (address), as principal, and \_\_\_\_\_, (Name of Surety) a corporation authorized to transact a general surety business in the State of Illinois, as surety, are held firmly bound unto the People of the State of Illinois in the penal sum of \$100,000, for the payment of which, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

The principal is engaged in the business of providing immigration services within the meaning of the Act and is required to furnish a bond conditioned as herein set forth; and this bond is executed and tendered in accordance therewith.

The conditions of this obligation are that if the principal complies with the provisions of the Act and does not damage any person by any violation of the Act, then this obligation is to be void; otherwise, it is to remain in full force and effect.

The Attorney General or State's Attorney of any County may bring an action against the principal and surety on this bond to recover damages, and the surety shall be obligated for any and all judgments entered against the principal.

The liability of surety for any claim arising under this bond shall not exceed the actual damage arising from principal's violation of the Act.

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## NOTICE OF ADOPTED RULES

The aggregate liability of the surety on all claims whatsoever shall not exceed the amount of this bond.

This bond is executed by the surety to comply with the provisions of the Act, and this bond shall be subject to all of the terms and provisions thereof.

IN WITNESS WHEREOF, both the principal and surety, by duly authorized officers or representatives, have hereunto set their seal, and the surety has caused these presents to be signed by its duly authorized officer this \_\_\_\_\_ day of \_\_\_\_\_.

Principal

Surety

By:

Signature of agent

By: Signature of agent

Address

Address

City, State, Zip Code

City, State, Zip Code

Notary Public

(Seal)

AN IMMIGRATION SERVICE PROVIDER IS REQUIRED TO CONTINUOUSLY MAINTAIN MALPRACTICE INSURANCE WITH MINIMUM COVERAGE OF \$100,000, OR A SURETY BOND IN THE AMOUNT OF \$100,000. THE PROVIDER SHALL ALSO MAINTAIN A SURETY BOND FOR A PERIOD OF 2 YEARS FOLLOWING THE DATE ON WHICH IT CEASES OPERATIONS.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Selection of Contractors and Consultants For Abandoned Mined Lands Reclamation Projects

- 2) Code Citation: 44 Ill. Adm. Code 1150

- 3) Section Number: Adopted Action:

1150.10	Amend
1150.20	Amend
1150.30	Amend
1150.50	Amend
1150.100	Amend
1150.200	Amend
1150.300	Amend
1150.400	Amend
1150.500	Amend
1150.600	Amend
1150.700	Amend
1150.800	Amend
1150.900	Amend
1150.1000	Amend
1150.1100	Amend
1150.1200	Amend
1150.1300	Amend
1150.1325	New
1150.1350	New
1150.1400	Amend
1150.1500	Amend

- 4) Statutory Authority: Implemented and authorized by the Abandoned Mined Lands and Water Reclamation Act [20 ILCS 1920].

- 5) Effective Date of Amendments: August 17, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporation by reference? No

- 8) A statement that a copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal published in Illinois Register: April 10, 1998, 22 Ill. Reg. 6437

- 10) Has JCAR issued a Statement of Objection to these rules? No

- 11) Difference(s) between proposal and final version:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- a) In Section 1150.10, "This Part prescribes" has been changed to "This Part describes".
- b) In Section 1150.20, ", as amended" has been stricken and a comma added after "Central Management Services".
- c) In Section 1150.30(a), "part" has been changed "Part".
- d) In Section 1150.100, in the definition of "Award", "therefor" and "thereof" have been stricken; the definition of "Consultant" has been added and defined as "Any individual, sole proprietorship, firm, partnership, corporation, association, or other legal entity engaged in providing professional services in the practice of architecture, engineering or land surveying as permitted by law." after the definition of "Calendar Day"; in the definition of "Contract", "thereunder" has been stricken and "to the contract" has been added and the last sentence has been underlined; in the definition of "Contract Bond", "the contractor" has been underlined and "he" has been stricken; in the definition of "Proposal", "(1)" and "(2)" have been deleted. In Section 1150.200(a)(5), "of" has been stricken and "after" has been added; in subsection (b)(1), the comma's have been changed to semicolons; in subsection (f), "contractor" has been stricken after the word "Contractor", the word "hereinafter" before "provided" has been deleted and "in this Section" has been added after "provided"; in subsection (g)(1), "these instructions" have been stricken and "this subsection (g)(1)" has been added; in subsection (g)(2), "specification" has been changed to "specifications", "such" has been deleted and "an explanation or interpretation" has been added after the word "request"; in subsection (h)(1), "said products" has been changed to "those products"; in subsection (i)(3)(F), "Paragraphs" has been deleted and replaced with "subsections" and "listed" has been deleted; in subsection (j), "proposed" has been stricken and replaced with "proposal"; in subsection (k)(1) "to" has been added between the number range in the "Amount of Bid"; in subsection (m), "or by telegram" has been stricken.
- f) In Section 1150.300(a)(2), "promoted thereby" has been deleted and replaced with "served"; in subsection (b)(1), "the following conditions" has been deleted and replaced with "Subsections (b)(2) and (3) of this Section"; in subsection (b)(2), "any time" has been moved to after the word "Department" and "promoted thereby" has been deleted and changed to "served"; in subsection (c), "subsequent" has been deleted; in subsection (d)(2), the underline has been removed from "2)" and "has elapsed" has been moved to after the word "proposals"; in subsection (h)(2), "the bidder" has been underlined; in subsection (i)(3), "state" has been changed to "State".
- g) In Section 1150.500(a), the comma after "1150.300" has been changed to "and"; in subsection (b), "Prequalification" has been stricken and replaced with "Prequalified"; the word "Contractor"



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- throughout this Section has been changed to "contractor".
- h) In Section 1150.700, "30 ILCS 535" has been put in brackets.
  - i) In Section 1150.1100(b), the underline has been deleted from "b)".
  - j) In Section 1150.1200(b), "hereafter" has been deleted and "in Section 1300 of this Part" has been added after the word "provided".
  - k) In Section 1150.1325(b), "(i)" and "(ii)" have been reformatted to "1)" and "2)"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending of this Part? No

15) Summary and Purpose of Amendment: The proposed amendments prescribe procedures for advertising, bidding and awarding contracts which satisfy the requirements of the various State of Illinois purchasing laws as well as federal grant requirements. These amendments also update the rules to reflect the Abandoned Mined Lands Reclamation Council into the Department of Natural Resources.

16) Information and questions regarding this adopted amendment shall be directed to:

Peggy J. Witt, Legal Counsel  
Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
(217)782-1809

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER XV: DEPARTMENT OF NATURAL RESOURCES ABANDONED-MINED-LANDS RECLAMATION-COUNCIL

## PART 1150

SELECTION OF CONTRACTORS AND CONSULTANTS FOR ABANDONED MINED LANDS RECLAMATION PROJECTS

## SUBPART A: GENERAL PROVISIONS

Section  
1150.10 Purpose  
1150.20 Scope  
1150.30 Applicability  
1150.40 Severability  
1150.50 Incorporation by Reference

## SUBPART B: STANDARD CONSTRUCTION CONTRACTS

Section  
1150.100 Definition of Terms  
1150.200 Bidding Requirements and Conditions  
1150.300 Award and Execution of Contract  
1150.400 Contracts Involving an Expenditure of \$30,000 \$5,000-00 or Less

## SUBPART C: EMERGENCY CONSTRUCTION CONTRACTS

Section  
1150.500 Emergency Contracting  
1150.600 Pre-Bidding Emergency Work

## SUBPART D: PROFESSIONAL SERVICES CONSULTANT-SELECTION-PROCESS

Section  
1150.700 Applicability  
1150.800 Prequalification  
1150.900 Subcontracting  
1150.1000 Requests for Proposals  
1150.1100 Evaluation Procedure Staff-Technical-Evaluation  
1150.1200 Selection Procedure Project-Selection  
1150.1300 Contract Negotiations Criteria-for-Consultant-Selection  
1150.1325 Exemptions  
1150.1350 Firm Performance Evaluations  
1150.1400 Complaint Procedure  
1150.1500 Equal Employment Opportunity; Nondiscrimination; Affirmative Action

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

**AUTHORITY:** Implementing and authorized by the Abandoned Mined Lands and Water Reclamation Act [20 ILCS 1920].

SOURCE: Adopted at 9 Ill. Reg. 6661, effective May 1, 1985; emergency amendment at 10 Ill. Reg. 1264, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 12534, effective July 8, 1986; amended at 22 Ill. Reg. 15381, effective May 1, 1988.

## SUBPART A: GENERAL PROVISIONS

## Section 1150.10 Purpose

The Abandoned Mined Lands and Water Reclamation Act ("Act") [20 ILCS 1201] (Rev. 1957, ch. 96-127, par. 0-000-01 et seq.) provides that the Illinois Department of Natural Resources Abandoned-Mined-Lands-Reclamation Council ("Council") shall administer a program for the reclamation of abandoned lands and waters in accordance with the Act. This Part describes standard procedures for the Department's Office of Mines and Minerals, Division of Abandoned Mined Lands Reclamation, for advertising, bidding and awarding contracts for construction on abandoned mined lands ("AML") reclamation projects. This Part also prescribes standard procedures for obtaining the necessary outside professional services as needed in the administration of the AML program. The purpose is to prescribe procedures which will implement the AML program in a way which satisfies the requirements of the various State of Illinois purchasing laws, as well as federal grant requirements for funding pursuant to the Surface Mining Control and Reclamation Act of 1977, as amended (30 USC 1201 et seq.). This Part sets forth and establishes standard specifications and procedures for the Council for construction contracts and consultant selection under the abandoned mined lands program and emergency program.

(Source: Amended at 22 Ill. Reg. 15581=, effective  
AUG 17 1998)

## Section 1150.20 Scope

~~This Part encompasses--section--of--contractors--and--consultants--The Rules in this Part are non-conflicting supplements to the Standard Procurement Rules--as amended (44 Ill. Adm. Code 1), promulgated by the Department of Central Management Services, and all activities and interpretations shall be performed in accordance with the rules. Procurement of other goods and services shall be in accordance with the Standard Procurement Rules--as amended--promulgated by the Department of Central Management Services.~~

(Source: **Amended** **AUG 1 1998** ) 22 Ill. Reg. **13361**, effective

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

## Section 1150.30 Applicability

a) General

This Part applies to all contracts for reclamation construction and professional services required by the Division of Abandoned Mined Lands Reclamation.

**b) Standard Construction Contracts**

Subpart B applies to the advertising, bidding and awarding of contracts for construction on reclamation projects that have been planned and designed in the normal course of the AML program.

c) Emergency Construction Contracts

Subpart C applies to construction contracts that are necessary to abate emergency conditions which involve a danger to public health and safety and that cannot await abatement under normal program procedures.

d) Professional Services

Subpart D applies to the selection of Consultants to provide professional services covered by the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].

[illegible]

(Source: Amended at 22 Ill. Reg. 1531 - effective  
AUG 17 1998)

## Section 1150.50 Incorporation by Reference

No incorporation by reference in this Part pursuant to Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] ~~§§§§-Rev-Stat-1993~~ ~~ch-127-par--1005-75~~ contains any later amendment or edition.

(Source: Amended at 22 Ill. Reg. 13201, effective AUG 1 1988 )

## SUBPART B: STANDARD CONSTRUCTION CONTRACTS

## Section 1150.100 Definition of Terms

Wherever in this Part the following terms or pronouns in place of them are used, words importing the masculine may be applied to females, and the intent and meaning shall be interpreted as follows:



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

"Advertisement" - The public announcement, as required by law Section 4-of-the-illinois-Purchasing-Act-(iii)-Rev--Stat--1985--ch--127--par--132-47, inviting bids for work to be performed or materials to be furnished.

"AML" - Abandoned Mined Lands; of or pertaining to the Abandoned Mined Lands Reclamation program.

"AVS" or "Applicant Violator System" - The computer system maintained by OSM, in accordance with 30 CFR 773, to identify ownership or control links involving coal mining permit applicants, permittees, and persons cited in violation notices.

"Award" - The decision of the Department in the form of a letter of intent Council to accept the proposal of the lowest responsive and responsible bidder for the work, subject to the execution and approval of a satisfactory contract thereof and bond to secure the performance thereof as required by this Part, and to such other project-specific conditions as may be specified. A responsible bidder is a bidder who meets the standards set forth in 44 Ill. Adm. Code 1: Subpart H.

"Bid" - a Contractor's proposal.

"Bidder" - Any individual, firm, partnership or corporation submitting a proposal for the work contemplated, acting directly or through a authorized representative.

"Calendar Day" - Every day shown on the calendar.

"Consultant" - Any individual, sole proprietorship, firm, partnership, corporation, association, or other legal entity engaged in providing professional services in the practice of architecture, engineering or land surveying as permitted by law.

"Contract" - The written Agreement between the Department Council and the Contractor setting forth the obligations of the parties to the contract thereunder, including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The contract includes the invitation for bids, proposal, letter of award, contract form and contract bond, Specifications, Supplemental Specifications, Special Provisions, general and detailed plans, and any Agreements that are required to complete the construction of the work in an acceptable manner, including authorized extensions thereof, all of which constitute one instrument.

"Contract Bond" - The approved form of security, approved-pursuant-to Section-150-3004d7, furnished by the Contractor and his/her surety as a guaranty that the contractor he will execute the work in accordance

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

with the terms of the contract.

"Contractor" - The individual, firm, partnership or corporation contracting with the Department Council for performance of prescribed work.

"Council"-~~The Abandoned Mined Lands Reclamation Council of the State of Illinois with principal offices of business at Springfield.~~

"Department" - The Department of Natural Resources, Office of Mines and Minerals, Division of Abandoned Mined Lands Reclamation, of the State of Illinois, with principal offices of business at Springfield.

"Department of Transportation" - The Department of Transportation of the State of Illinois with principal offices of business at Springfield.

"Equipment" - All machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and acceptable completion of the work in accordance with Contract specifications.

~~"Executive-Director"-The Executive-Director of the Abandoned-Mined Lands Reclamation Council of the State of Illinois, or that person's authorized representative limited by the particular duties entrusted to the representative.~~

"Invitation for Bids" - The advertisement for proposals for all work or materials on which bids are required. Such advertisement will indicate with reasonable accuracy the quantity and location of the work to be done or the character and quantity of the material to be furnished and the time and place of the opening of proposals.

"Materials" - Any substances specified for use in the construction of the project and its appurtenances.

"OSM" - The Office of Surface Mining, Reclamation and Enforcement, United States Department of the Interior.

"Pay Item" - A specifically described unit of work for which a price is provided in the contract.

"Plans" - The approved plans, profiles, typical cross sections, working drawings and supplemental drawings, or exact reproductions thereof, approved by the Council, which show the location, character, dimensions and details of the work to be done.

"Proposal" - The offer of a bidder, on the prescribed form, to perform

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

the work and to furnish the labor and materials at the prices quoted. In Subpart D, "Proposal" means the letter of interest and designated portions of the Consultant's Qualifications Packet submitted to the Department for consideration by the Department in selecting Consultants to provide professional services.

"Proposal Guaranty" - The security furnished with a bid to guarantee that the bidder will enter into the contract if his/her bid is accepted.

"Special Provisions" - Additions and revisions to the Standard and Supplemental Specifications covering conditions peculiar to an individual project.

"Specifications" - The body of directions, provisions and requirements contained in "Standard Specifications for Road and Bridge Construction" adopted by the Department of Transportation, or in any supplement adopted by the Department of Transportation, together with written agreements and all documents of any description made or to be made pertaining to the method or manner of performing and paying for the work, the quantities, or the quality of materials to be furnished under the contract.

"State" - The State of Illinois acting through the Department of Natural Resources, Office of Mines and Minerals, Division of Abandoned Mined Lands Reclamation ~~Abandoned-Mined-Lands-Reclamation-Council~~, or such agency or department of State Government as the Department Council may designate.

"Structure" - Unless otherwise defined in the Specifications, structures shall comprise all objects constructed of materials other than earth, required by the contract to be built or to be removed.

"Subconsultant" - An individual, firm, partnership, or corporation who, with the written consent of the Department, assumes obligation for performing specified professional services.

"Subcontractor" - An individual, firm, partnership, or corporation who, with the written consent of the Department, assumes obligation for performing specified contract work.

"Supplemental Specifications" - Additions and revisions to the Standard Specifications for Road and Bridge Construction of the Illinois Department of Transportation, as modified and referenced in the proposal and contract.

"Surety" - The corporation, partnership or individual, other than the Contractor, executing the Contract Bond.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

"Work" - Work shall mean the furnishing of all labor, materials, equipment, and other incidentals necessary or convenient to the successful completion of the project and the carrying out of all the duties and obligations imposed by the contract.

(Source: ~~Amended~~ Aug 1, 1998 22 Ill. Reg. ~~15583~~ 15584, effective

## Section 1150.200 Bidding Requirements and Conditions

## a) Prequalification of Bidders

1) Each bidder shall be prequalified by the Department of Transportation and eligible to bid as provided in 44 Ill. Adm. Code 650 and described in Section 102 of the Standard Specifications for Road and Bridge Construction published by the Department of Transportation. Application for prequalification shall be made directly to the Department of Transportation.

2) The Department Council shall rely upon any determination and statement by the Department of Transportation that a bidder is not qualified or that the bidder's qualification has been suspended, without additional inquiry or verification. Any appeal, challenge, or dispute by a bidder relating to an adverse determination of the Department of Transportation shall be made to the Department of Transportation.

3) No error in any determination of a bidder's qualifications made by the Department of Transportation shall invalidate any decision of the Department of Natural Resources Council.

4) Independent of any determination by the Department of Transportation, the Department of Natural Resources Council by and through the Executive Director of the Office of Mines and Minerals may declare a contractor ineligible for reclamation project contracts and suspend that contractor's eligibility for up to one year. The Contractor shall be sent written Notice of the Department's action. ~~The Executive Director shall send Notice of the Council's action to the Contractor.~~ The following shall be sufficient grounds for suspension:

- A) Material breach of contract.
- B) Delivery of materials or performance of services which do not comply with the specifications of the contractor's contract with the Department Council or any other State agency or department.
- C) Failure to perform within the time specified in the contract.
- D) Failure to keep offer firm for length of time specified by the bidder in his/her bid.
- E) Failure to provide performance bond when required by invitation for Bids.
- F) Collusion with other bidders or prospective bidders to



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- restrain competitive bidding.
- G) Giving information in an application for inclusion on a bidder's list that is later found to be false or materially misleading.
- H) Any substitution of materials, even though of the same quality, without first securing the written consent of the State Executive-Director.
- I) Bankruptcy or other evidence of insolvency of the bidder, such as the failure to timely pay suppliers and sub-contractors.
- J) Revocation of the Department of Human of Rights Public Contract number.
- K) Failure to provide prevailing wages and benefits where required by law (Prevailing Wage Act [820 ILCS 130]) {29 CFR-3-and-57-(January-17-1985)}.
- L) Non-compliance with Equal Employment Opportunity contract provisions.
- M) A recommendation from OSM that the contractor is not eligible for an AML contract under 30 CFR 874.16.

- 5) In all actions suspending a contractor's eligibility to bid on reclamation project contracts, the Contractor may protest the Department's Council's action by submitting to the Executive Director of the Department a written statement of objection setting forth the facts and circumstances of the action which are alleged to be legally or otherwise objectionable. The written statement of objection must be received by the Executive Director within 14 calendar days after of the objectionable action. The Director shall provide the Contractor with a hearing in accordance with procedures set forth in 17 Ill. Adm. Code 2530. Notwithstanding the provisions of Sections 2530.320 - 2530.350 concerning initiation of proceedings by the Department, the Contractor shall initiate the proceedings. After investigation by the Council, the Executive-Director will issue a written response. The Contractor may then request a meeting within seven calendar days of receipt to refute the Council's findings. The parties may each question the other on matters pertaining to the action. The Council, by and through the Executive-Director shall issue a final decision within 21 days of the meeting. This is a final decision for purposes of the Administrative Review Law {311 Rev-Stat-19057-chr-1107-parr-3-101-et-seq-}

## b) Notice to Bidders

- 1) Notice to Bidders and advertisement for bids shall be published in the Illinois Procurement Bulletin "Official Newspaper" of the State of Illinois, inviting bids for the construction projects for which competitive bids may be received and which are in any one letting. Advertisements must appear at least once, no less than 14 days before the bid opening three times with the first and last ad at least 10 days apart. The notice shall specify the

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date, time and place where bids are due; the date, time and place where the bids will be opened; and the place where proposal forms may be obtained; the responsible State purchasing officer; the method of source selection; and information of how to obtain a comprehensive purchase description and any disclosure and contract forms.

- 2) The Illinois Procurement Bulletin "Official Newspaper" of the State of Illinois for the Department will be the volumes published by the Department of Transportation is the one so designated by the Department of Central Management Services.
- 3) A notice of all construction projects for which the Department Council is accepting bids at a Department of Transportation letting shall be published in the Illinois Procurement Bulletin Department of Transportation "Service Bulletin", at least 14 days prior to the time bids are due. The Bulletin is sent to all contractors who have prequalified with the Department of Transportation and to persons paying the established subscription price.
- c) Contents of Proposal Forms
- 1) Upon request, the Department of Transportation will furnish the prequalified, prospective bidders a proposal form. This form will state the location and description of the contemplated construction and will show the estimate of the various quantities and kinds of work to be performed and/or materials to be furnished, and will have a schedule of items for which unit bid prices are invited. The proposal form will state the time in which the work must be completed, the amount of the proposal guaranty, labor requirements, and the date, time, and place of the opening of proposals. The form will also include Special provisions and requirements that adapt the Standard Specifications to AML projects and provide for project specific conditions and requirements. Upon request, prequalified prospective bidders will be furnished a proposal by the Department of Transportation. This document will state the location and description of the contemplated project, will provide an estimate of quantities and kinds of work to be performed or materials to be furnished, and will include special provisions, specifications and plans which describe the proposed work. The proposal form will state the time in which the work must be completed, the amount of the proposal guaranty, labor requirements, and the date, time and place of the bid opening.
- 2) All papers bound with or attached to the proposal form are considered a part thereof and must not be detached or altered when the proposal is submitted.
- 3) The plans, specifications and other documents designated in the proposal form, including any addenda officially issued by the Department, Council will be considered a part of the proposal, whether attached or not.

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- d) Issuance of Proposal Forms  
The Department ~~seemeth~~ shall direct the Department of Transportation to refuse to issue a proposal form for any of the following reasons:
- 1) Lack of competency and adequate machinery, plant and other equipment, as revealed by the financial statement and experience questionnaires required by the prequalification procedures of the Department of Transportation.
  - 2) Uncompleted work which, in the judgment of the Department ~~seemeth~~ or the Department of Transportation, might hinder or prevent the prompt completion of additional work if awarded.
  - 3) False information provided in the bidder's "Affidavit of Availability".
  - 4) Failure to pay, or satisfactorily settle, all bills due for labor and material on former contracts in force at the time of issuance of proposal forms.
  - 5) Failure to comply with any prequalification procedures of the Department of Transportation.
  - 6) Default under previous contracts.
  - 7) Unsatisfactory performance record as shown by past work, judged from the standpoint of workmanship and progress.
  - 8) When the Contractor is suspended from eligibility to bid at a public letting where the contract is awarded by, or requires approval of, the Department of Transportation.
  - 9) When any agent, servant or employee of the prospective bidder currently serves as a member, employee or agent of a governmental body that is financially involved in the proposed work.
  - 10) When any agent, servant ~~servant~~ or employee of the prospective bidder has participated in the preparation of plans or specifications for the work.
- e) Amendment of Proposal Form
- 1) At any time prior to the time when proposals are due, the Department ~~seemeth~~ may amend the proposal form by deleting or adding items, changing quantities of any item, altering specifications or other elements of the proposal forms. In the event of a change of the proposal form, the Department ~~seemeth~~ shall notify all persons who have received proposal forms or have otherwise notified the Department of Transportation of an intention to submit a proposal, and shall, prior to the time proposals are due, provide all such persons with an amended proposal form. Any bidders who have already submitted a proposal shall be allowed to withdraw, resubmit or amend their proposal notwithstanding the provisions of subsection (m) of this Section. In amending a proposal form, the Department ~~seemeth~~ shall extend the time when the proposals are due when it determines that additional time will be required to compensate for the amendments.
  - 2) Unless the changes are so substantial that the initial invitation for bids no longer reflects an accurate estimate of the quantity

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- of the work to be done or the character and quantity of the material to be furnished, no new invitation or advertisement shall be required.
- f) Interpretation of Quantities in Bid Schedule  
The quantities appearing in the bid schedule are approximate and are prepared for the comparison of bids. Payment to the Contractor will be made only for actual quantities of work performed and accepted or materials furnished in accordance with the contract, unless bid quantities are accepted by both the Department ~~seemeth~~ and Contractor ~~contractor~~. The scheduled quantities of work to be done and materials to be furnished may each be increased, decreased, or omitted as provided in this Section.
- g) Examination of Plans, Specifications, Special Provisions and Site of Work
- 1) The prospective bidder shall, before submitting a his bid, carefully examine the ~~proposal-form~~ plans, specifications, and special provisions of the contract. The bidder shall inspect in detail the site of the proposed work, investigate and become familiar ~~and familiarize himself~~ with all the local conditions affecting the contract and fully acquaint itself with the detailed requirements of construction. Submission of a bid shall be a conclusive assurance and warranty that the bidder has made these examinations and that the bidder understands all requirements for the performance of the work. If his/her bid is accepted, the bidder will be responsible for all errors in the his proposal resulting from his/her failure or neglect to comply with this subsection (g)(1) these instructions. The Department will, in no case, be responsible for any costs, expenses, losses or change in anticipated profits resulting from such failure or neglect of the bidder to make these examinations. ~~in no case will the Council be responsible for any change in anticipated profits resulting from such failure or neglect~~  - 2) The bidder shall take no advantage of any error or omission in the proposal and advertised contract. Any prospective bidder who desires an explanation or interpretation of the plans, specifications or any of the contract documents shall request an explanation or interpretation in writing from the Supervisor of Project Management in sufficient time to allow a written reply by the Department that can reach all prospective bidders before submission of their bids. Any reply given a prospective bidder concerning any of the contract documents, plans, and specifications will be furnished to all prospective bidders in the form determined by the Department including, but not limited to, an addendum, if the information is deemed by the Department to be necessary in submitting bids or if the Department concludes that the information would aid competition. Oral explanations, interpretations, or instructions given before the submission of bids, unless at a prebid conference, will not be binding on the



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Department.

## h) Preparation of the Proposal

- 1) Bidders ~~the~~bidder shall submit their proposals ~~his~~his proposal on the form furnished by the Department of Transportation. The proposal shall be executed, and bids shall be made for all items indicated in the proposal form, except that when alternative bids are asked a bid on more than one alternate for each item is not required, unless otherwise provided. The bidder shall indicate, in figures, a unit price for each of the separate items called for in the proposal form; the bidder shall show the products of the respective quantities and unit prices in the column provided for that purpose, and the gross sum shown in the place indicated in the proposal form shall be the summation of those ~~said~~ products. All writing shall be with ink or typewriter, except the signature of the bidder, which shall be written in with ink.
- 2) If the proposal is made by an individual, ~~that individual's~~ his name and business address shall be shown. If made by a firm or partnership, the name and business address of each member of the firm or partnership shall be shown. If made by a corporation, the proposal shall show the names, titles, and business addresses of the president, secretary, and treasurer, and the seal of the corporation shall be affixed and attested by the secretary.

## i) Combination Bids

- 1) A combination bid is a total bid received on two or more proposals. No combination bids other than those specifically set up by the Department ~~specified by the~~specified by the ~~in the~~in the ~~proposal~~ forms will be considered. Separate proposal forms will be issued for each project in the combination so that bids may be submitted either on the combination or on separate units of the combination. The Department ~~reserves~~ reserves the right to make awards on combination bids or separate bids to the best advantage of the Department ~~reserves~~ reserves ~~in the~~in the ~~proposal~~ ~~form~~ ~~shall~~ ~~govern~~govern ~~combination bidding~~.
  - 2) If a combination bid is submitted on 2 or more proposals, separate proposals on each individual contract shall also be submitted, and unless separate proposals are so submitted, the combination bid will not be considered. If the bidder desires to submit a combination bid, the bidder shall state, in the place provided in the proposal form, the amount of the combination bid for the entire combination.
  - 3) If a combination bid is submitted on any stipulated combination, and errors are found to exist in computing the gross sum bid on any one or more of the individual proposals, corrections shall be made by the Department and the amount of the combination bid shall be corrected so that it will be in the same proportion to the sum of the corrected gross sum bid as the combination bid submitted was to the sum of the gross sum bid submitted.
- The following provisions shall govern combination bidding:

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- A) A combination bid which is submitted for 2 or more proposals and awarded on that basis shall have the bid prorated against each proposal in proportion to the bid submitted for each proposal.
  - B) Separate contracts shall be executed for each individual proposal included in the combination.
  - C) The completion date for all contracts awarded on a combination bid shall be the latest completion date designated in any one or more of the contracts included in the combination, unless otherwise provided in the contracts. The working days for all contracts awarded on a combination bid shall be the largest number of working days designated in any one or more of the contracts included in the combination, unless otherwise provided in the contracts.
  - D) An extension of time for any one or more contracts awarded on a combination bid shall automatically extend all contracts awarded on the combination.
  - E) In the event the Contractor fails to complete any one or all of the contracts on the combination bid by the contract completion date plus any authorized extension, or the contract working days plus any authorized extension, the liquidated damages shall be determined from the schedule of deductions for each day of overrun in contract time as provided in the contract, based on the combination bid total, and shall be computed on the combination and prorated against the 2 or more individual contracts based on the dollar value of each contract.
  - F) The plans and Special Provisions for each separate contract shall be construed separately for all requirements, except as described in subsections (a) through (e) above.
- j) Rejection of Proposals
- The Department ~~reserves~~ reserves the right to reject proposals where the bidder has failed to meet the prequalification requirements of the Department of Transportation, or for any of the following reasons:
- 1) More than one proposal for the same work from an individual, firm, partnership, or corporation under the same or different names.
  - 2) Evidence of collusion among bidders.
  - 3) Unbalanced proposals in which the bid prices for some items are obviously out of proportion to the bid prices for other items.
  - 4) If the proposal does not contain a unit price for each pay item listed, except in the case of authorized alternate pay items or lump sum pay items.
  - 5) If the proposal form is other than that furnished by the Department of Transportation; or if the form is altered or any part thereof is detached.
  - 6) If there are omissions, erasures, alterations, unauthorized additions, conditional or alternate bids, or irregularities of

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any kind which may tend to make the proposal proposed incomplete, indefinite or ambiguous.

7) If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.

8) If the proposal is not accompanied by the proper proposal guaranty.

9) If the proposal is prepared with other than ink or typewriter.

10) If the certifications contained in the proposal form are not completely executed.

## k) Proposal Guaranty

1) Each proposal shall be accompanied by either a bid bond on the Department form contained in the proposal, executed by a corporate surety company satisfactory to the Department ~~Council~~, pursuant to 44 Ill. Adm. Code 675.240, or by a bank cashier's check or a properly certified check for not less than five percent of the amount bid, or for the amount specified in the following schedule:

Amount of Bid		Proposal Guaranty
Up to	5,000	150
\$ 5,000 to	10,000	300
10,000 to	50,000	3,000
50,000 to	100,000	3,000
100,000 to	150,000	5,000
150,000 to	250,000	7,500
250,000 to	500,000	12,500
500,000 to	1,000,000	25,000
1,000,000 to	1,500,000	50,000
1,500,000 to	2,000,000	75,000
2,000,000 to	3,000,000	100,000
3,000,000 to	5,000,000	150,000
5,000,000 to	7,500,000	250,000
7,500,000 to	10,000,000	400,000
10,000,000 to	15,000,000	500,000
15,000,000 to	20,000,000	600,000
20,000,000 to	25,000,000	700,000
25,000,000 to	30,000,000	800,000
30,000,000 to	35,000,000	900,000
OVER		1,000,000

2) In the event that one proposal guaranty check is intended to cover two or more proposals, the amount must be equal to the sum of the proposal guaranties which would be required for each individual proposal.

3) If a combination bid is submitted, the proposal guaranties which accompany the individual proposals making up the combination will be considered as also covering the combination bid.

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4) Bank cashier's checks or properly certified checks accompanying proposals shall be made payable to the Treasurer, State of Illinois.

## 1) Delivery of Proposals

Each proposal should be submitted in a special envelope furnished by the Department of Transportation. The blank spaces on the envelope shall be filled in correctly to clearly indicate its contents. When an envelope other than the special one furnished by the Department of Transportation is used, it shall be of the same general size and shape and be similarly marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Department of Transportation at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time for opening of bids will be returned to the bidder unopened.

## m) Withdrawal of Proposals

Permission will be given a bidder to withdraw a proposal if the bidder makes his/her request in writing or by telegram before the time for opening proposals. ~~If a proposal is withdrawn, the bidder will not be permitted to resubmit this proposal at the same letting.~~

## n) Public Opening of Proposals

Proposals will be opened and read publicly at the time and place specified in the Notice to Bidders. Bidders, their authorized agents, and other interested parties are invited to be present.

(Source: Amended at 22 Ill. Reg. 15561, effective AUG 17 1998)

## Section 1150.300 Award and Execution of Contract

## a) Consideration of Proposals

1) After the proposals are opened and read, they will be compared on the basis of the summation of the products of the quantities shown in the bid schedule by the unit bid prices. In the event of a discrepancy between unit bid prices and extensions, the unit bid price shall govern. In awarding contracts, the Department ~~Council~~ will, in addition to considering the amounts stated in the proposals, take into consideration the responsibility of the various bidders as determined by the Department of Transportation under Section 1150.200(a), and from other investigations which the Department ~~Council~~ shall make when it has reason to believe that any of the conditions found in Sections 1150.200(a)(4) and (j) exist.

2) The right is reserved to reject any or all proposals, to waive technicalities, or to advertise for new proposals, if, in the judgment of the Department, the best interests of the Department will be served. Council bids received are too high to permit--the



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project-to-proceed-with-available-funds-

## b) Award of Contract

1) The award of contract will be made within 45 calendar days after the opening of proposals to the lowest responsible and qualified bidder whose proposal complies with all the requirements prescribed. The successful bidder will be notified by letter of intent that his/her bid has been accepted, and that, subject to subsections (b)(2) and (3) of this Section, the bidder will be the Contractor. ~~and-that-the-bidder-has-been-awarded-the contract.---No award shall be considered binding upon the Council prior to the Council's execution of the Contract.~~

2) An approved contract executed by the Department is required before the State is bound. An award may be cancelled by the Department any time prior to execution in order to protect the public interest and integrity of the bidding process or for any other reason if, in the judgment of the Department, the best interest of the Department will be served.

3) If a contract is not awarded within 45 days after the opening of proposals, a bidder may file a written request with the Department Council for the withdrawal of his/her bid, and the Department Council will permit such withdrawal. Provided, however, if the Notice to Bidders specifies a period longer than 45 days after the opening of proposals, to delay the award of contract to coincide with the AML federal grant award, then the time shall be as specified for withdrawal of bids.

## c) Notice of Contract Awarded

Notice of each and every contract that is let or awarded shall be published in the next available Illinois Procurement Bulletin.

## d) Return of Proposal Guaranty

1) The proposal guaranty checks of all except the two lowest bidders will be returned promptly within 30 days after the proposals have been checked, tabulated, and the relation of the proposals established. Proposal guaranty checks of the two lowest bidders will be returned as soon as the contract and contract bond of the successful bidder have been properly executed and approved. Bid bonds will not be returned.

2) After a period of 3 working days after the date of opening proposals has elapsed, the Department ~~if--contracts--cannot--be awarded--within--30-days--the-Council~~ shall permit the two lowest bidders to substitute for the bank cashier's checks or certified checks submitted with their proposals as proposal guaranties, bid bonds on the Department Council forms executed by corporate surety companies satisfactory to the Department Council.

## e) Applicant Violator System

1) Under 30 CFR 874.16, every successful bidder for a federally funded AML contract must be eligible under 30 CFR 773.15(b)(1) at the time of contract award to receive a permit or conditional permit to conduct surface coal mining operations. Bidder

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eligibility must be confirmed by the Federal Office of Surface Mining, Reclamation and Enforcement's automated Applicant/Violator System (AVS) for each contract to be awarded. At the time the successful bidder is notified by letter of intent that his/her bid will be accepted, the Department will provide to the bidder an Ownership/Control ("O/C") information package. The bidder shall completely fill out the forms and return the completed forms to the Department. The Department will forward the completed forms to OSM at the Lexington, Kentucky AVS office for data entry and compliance check.

2) All subcontractors who will receive 10% or more of the total contract funding will also be required to submit an O/C information package and be subject to the OSM/AVS compliance check, prior to receiving the Department's approval of subcontractor.

3) Any contract inspector, selected through a bidding process, regardless of the percentage of contract funding, will also be required to submit an O/C information package and be subject to the OSM/AVS compliance check.

4) The Department shall deny a contract and cancel the award upon OSM's recommendation that the successful bidder is not eligible for an AML contract. The Department shall deny approval of subcontractor upon OSM's recommendation that the subcontractor is not eligible for an AML contract. The Department shall deny an inspection contract upon OSM's recommendation that the contract inspector is not eligible for an AML contract.

5) Any person denied an AML contract, or participation in an AML funded project, shall appeal the decision and recommendation of OSM directly to OSM. Appeal should be made to establish eligibility for future AML projects. The Department will not delay a project pending appeal. The Department's role in the AVS compliance check process is ministerial and does not involve exercise of independent judgment or review of OSM's decision and recommendation. The Department shall not be responsible for any damages sustained by any person by reason of OSM's determination as to eligibility for AML contracts.

6) After a Contractor, subcontractor, or contract inspector has once submitted an O/C information package and has been entered into the AVS in connection with an AML project, the Department may, in connection with subsequent projects, provide dated AVS printouts reflecting the information submitted and the current AVS recommendation, along with an AML Contractor O/C Data Certification form. The Contractor, subcontractor, or contract inspector shall complete and submit the certification in place of the O/C information package, in the same manner as provided above.

7) Any potential AML Contractor, subcontractor or contract inspector may submit O/C information directly to OSM at the Lexington AVS

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f) Office, to predetermine eligibility for AML contracts.

1) Requirement of Contract Bond  
The Contractor shall furnish the Department a performance and payment bond with good and sufficient surties in the full amount of the contract as the penal sum. The surety shall be acceptable to the Department, shall waive notice of any changes and extensions of time, and shall submit its bond on the form furnished by the Department. The successful bidder, at the time of the execution of the contract, shall deposit with the Council a surety bond for the full amount of the contract. The form of the bond shall be that furnished by the Council and the surety shall be acceptable to the Council, pursuant to 44-III-Adm-Code-675-240.

g) Execution of Contract

- 1) The contract shall be executed by the successful bidder and returned, together with the Contract Bond, within 15 days after the contract has been mailed to the bidder.
- 2) If the bidder to whom award is made is a corporation organized under the laws of a State other than Illinois, the bidder shall furnish the Department Council a copy of the corporation's Certificate of Authority to do business in the State of Illinois with the return of the executed contract and bond. Failure to furnish such evidence of a Certificate of Authority within the time required will be considered as just cause for the annulment of the award and the forfeiture of the proposal guaranty to the State, not as a penalty, but in payment of liquidated damages sustained as a result of such failure.

h) Failure to Execute Contract

- 1) If the contract is not executed by the Department Council within 15 days following receipt from the bidder of the properly executed contracts and bonds, the bidder shall have the right to withdraw his/her bid without penalty.
- 2) Failure of the successful bidder to execute the contract and file acceptable bonds within 15 days after the contract has been mailed to the bidder shall be just cause for the cancellation of the award and the forfeiture of the proposal guaranty which shall become the property of the Department Council, not as a penalty, but in liquidation of damages sustained. Award may then be made to the next lowest responsible bidder, or the work may be readvertised considering the time available for readvertisement, the number of bids received and the variance in the amount of the bids received.

i) Termination of Contracts

- 1) The Department Council shall, by written order, terminate the contract or any portion thereof after determining that for reasons beyond the control of the parties, the Contractor is prevented from proceeding with or completing the work as originally contracted for, and that termination would, therefore, be in the public interest. Such reasons for termination may

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include, but need not be necessarily limited to, Executive Orders of the President relating to prosecution of war or national defense, national emergency which creates a serious shortage of materials, orders from duly constituted authorities relating to energy conservation, and restraining orders or injunctions obtained by third-party citizen action resulting from national or local environmental protection laws or where the issuance of such order or injunction is primarily caused by acts or omissions of persons or agencies other than the Contractor.

- 2) When contracts, or any portion thereof, are definitely terminated or cancelled, and the Contractor released before all items of work included in his/her contract have been completed, payment will be made for the actual number of units of items of work completed at contract unit prices, or as specified in the contract for partially completed items, and no claims for loss of anticipated profits shall be considered. Reimbursement for organization of the work and moving equipment to and from the job will be made when the volume of the work completed is too small to compensate the Contractor for these expenses under the contract unit prices, the intent being that an equitable settlement will be made with the Contractor.
- 3) Acceptable materials, obtained by the Contractor for the work, that have been inspected, tested and accepted by the Department Executive Director, and that are not incorporated in the work shall be purchased from the Contractor at actual costs as shown by receipted bills and actual cost records at such points of delivery as may be designated by the Department Executive Director, when the Department Executive Director determines that the materials cannot be returned or resold by the Contractor and the Department Council or other State agency can make use of such material.
- 4) Termination of a contract, as stated above, will not relieve the Contractor or his/her surety of the responsibility of replacing defective work as required by the contract.

(Source: Amended at 22 Ill. Reg. 15501, effective AUG 18 1998)

Section 1150.400 Contracts Involving an Expenditure of \$30,000 \$5,000-00 or Less

- a) When the contract for construction of a single reclamation project involves an expenditure of \$30,000 \$5,000-00 or less, the Department Council shall waive the prequalification and bidding requirements of Section 1150.300, where the imposition of such requirements would involve a disproportionate amount of work, time or cost in relation to the size and simplicity of the project.
- b) When full bidding procedures will not be utilized, the Department



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Council shall contact a minimum of three contractors, in the area in which the project is located, to request bids on the proposed work. The three contractors to be contacted shall be selected based upon proximity to the project, past experience, expertise and available equipment and manpower. The contract shall be awarded to the lowest responsible bidder considering conformity with specifications, availability for work and suitability of equipment.

(Source: Amended at 22 Ill. Reg. 15581, effective August 1, 1998)

## SUBPART C: EMERGENCY CONSTRUCTION CONTRACTS

## Section 1150.500 Emergency Contracting

## a) Waiver of Bidding Procedures

When any abandoned mine condition involves a danger to public health and safety and cannot wait abatement under normal program procedures, the Department Council shall waive the prequalification and bidding procedures of Section 1150.300 and 7 the Department Council shall enter into construction contracts for abatement of the dangerous condition pursuant to the provisions of this Subpart.

b) Use of Prequalified Contractors

1) The Department Council shall maintain a current list, revised at least annually, of contractors who are prequalified with the Department of Transportation for the type of construction work encountered in AML Emergency reclamation projects. The list shall also include Contractors who have demonstrated responsibility and competence through past performance on AML Emergency reclamation projects. Listed prequalified contractors shall be used on all projects unless:

- A) the particular construction activity involved is not of a type normally performed by the listed Contractors for which contractors may be prequalified by the Department of Transportation; or
  - B) listed prequalified contractors cannot be contacted within a reasonable time; or
  - C) listed prequalified contractors are not available to begin work within a reasonable time.
- 2) What constitutes a "reasonable time" shall be determined by the severity of the emergency or dangerous condition, and the cost of temporary protective measures.
- 3) When listed prequalified contractors cannot be used, the Department Council may use any responsible contractor who appears to be qualified based upon the contractor's reputation, experience, and available equipment.

## c) Obtaining Bids

- 1) When the full bidding procedures of Section 1150.300 will not be

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utilized, the Department Council--Executive--Director--or--that person's--designer shall attempt to contact at least three available contractors to request proposals. The three contractors to be contacted shall be selected based upon proximity to the project, past experience, expertise and available equipment and manpower.

- 2) When inspection of the site conditions is necessary to understand the detail or complexity of the project, or when requested by a contractor, a pre-bid meeting may be held for interested contractors where the project will be explained and proposal documents distributed. The pre-bid meeting shall be held at the project site whenever possible.
- 3) Interested contractors shall submit their proposals on the provided bid documents.

## d) Contents of Proposal Documents

1) When full bidding procedures will not be utilized, the proposal documents will include:

- A) The unsigned agreement, and all attachments thereto,
  - B) Plans, specifications, and any supplemental specifications, and
  - C) The itemized bid form to be filled out by the Contractor.
- 2) The itemized bid form shall become the Contractor's proposal upon completion and execution by the Contractor.

## e) Award and Execution of Contract

The contract shall be awarded to the lowest responsible bidder considering conformity with specifications, availability for work and suitability of equipment.

(Source: Amended at 22 Ill. Reg. 15581, effective August 1, 1998)

## Section 1150.600 Pre-Bidding Emergency Work

## a) Prequalification of Contractors

- 1) When there exists a history of emergency events of a similar nature in a particular area, with a probability of continuing emergency events in that area, the Department Council may elect to pre-bid certain special items of construction and exploratory work, including, but not limited to:

- A) exploratory drilling,
- B) haulage of fill material, and
- C) structural support work.

- 2) Only contractors or consultants who are prequalified with the Department of Transportation for the type of work involved, as set forth in Section 1150.200, or as provided in Section 1150.500(b), will be eligible to pre-bid for emergency work.

## b) Contracts for Pre-Bid Work

- 1) Items of work which are to be pre-bid shall be estimated as to

## DEPARTMENT OF NATURAL RESOURCES

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labor, materials, equipment and incidentals required on a typical emergency project, and frequency of projects in a designated geographical area in a given time period.

- 2) Bids shall be an offer to perform the work, according to specifications, for a specific cost per unit of work performed.
- 3) Contracts for pre-bid work shall be bid, awarded and governed in accordance with the provisions of Subpart B.

(Source: Amended at 22 Ill. Reg. 15581, effective AUG 17 1998)

## SUBPART D: PROFESSIONAL SERVICES CONSULTANTS-PREREQUISITES

## Section 1150.700 Applicability

This Subpart is applicable to all architectural, engineering, or land surveying professional services provided to the Department pursuant to contract. This Subpart is limited in application to professional services which are covered by the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. Related services that may be legally performed by persons not required to be licensed under the Illinois Architecture Practice Act of 1989 [225 ILCS 305], the Professional Engineering Practice Act of 1989 [225 ILCS 325], the Structural Engineering Licensing Act of 1989 [225 ILCS 340], or the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] are not covered by this Subpart. This Subpart sets out the procedures and criteria used for the selection of consultants for individual reclamation projects wherein the fees for consultant services will exceed \$5,000.00.

(Source: Amended at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.800 Prequalification

All architectural, engineering, or land surveying consultants desiring to provide service to the Department in connection with the AML program, whether as prime consultants or subconsultants, must be prequalified by the Department of Transportation for the categories of service identified within each project description. To be eligible for a contract award, consultants and their subconsultants must meet the prequalification standards established by the Department of Transportation for the categories listed within each project description. Prequalification is not required for purely mechanical work such as testing or drilling.

(Source: Amended at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.900 Subcontracting

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- a) Professional Services Consultants may subcontract no more than 50 percent of the project work.
- b) The Professional Services contract shall include the names and addresses of all subconsultants and the anticipated amount of money which they will receive pursuant to the contract [30 ILCS 505/9.04].
- c) If at any time a Professional Services Consultant who had not intended to utilize the service of a subconsultant decides to utilize a subconsultant, the Department and the Consultant shall file an amendment to the original contract with the Comptroller stating the names and addresses of all subconsultants and the anticipated amount of money which they will receive pursuant to the original contract [30 ILCS 505/9.04].

Consultants are allowed to subcontract for a project but at least 50 percent of the project work must be executed by the prime consultant.

(Source: Amended at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.1000 Requests for Proposals

- a) Whenever an AML project requiring architectural, engineering, or land surveying services from outside the Department's professional staff is proposed, the Department shall provide no less than a 14 day advance notice published in the Illinois Procurement Bulletin setting forth the project(s) and services to be procured. The notice shall constitute a Request for Proposals and shall include a description of each project and shall state the time and place for interested Consultants to submit a letter of interest and designated portions of the Consultant's Qualifications Packet.

- b) Proposals received after the date and time specified in the Request for Proposals shall be returned unopened.

Requests for proposals will be mailed to all prequalified consultants as listed by the Department of Transportation. Unless otherwise specified in the Request for proposals, proposals for such projects must be returned to the Springfield office of the Council no later than 5:00 p.m. on the 21st calendar day following the date the request for proposal was mailed. If the 21st day is a non-business day, the deadline will be the next following business day. Proposals received after the deadline will be returned unopened.

(Source: Amended at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.1100 Evaluation Procedure Staff Technical Evaluation

- a) A selection committee, consisting of the Director of the Office of Mines and Minerals, the Manager of the AML Reclamation Division, and the Supervisor of the Project Management Section, or their designees, shall select firms to provide architectural, engineering, and land



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surveying services on AML reclamation projects. The Committee shall evaluate the proposals, taking into consideration the following qualification factors: The Council Staff shall evaluate all proposals using the criteria set forth below. Following this review, the Executive Director of the Council shall present the evaluation of each proposal to the Council.

- 1) Ability of professional personnel.
  - 2) Past record and experience on AML projects and projects with similar professional disciplinary requirements.
  - 3) Performance data on file.
  - 4) Willingness to meet time requirements.
  - 5) Location of the Consultant's office in relation to the project site and the Department's AML office that will be managing the project.
  - 6) Workload of the Consultant.
  - 7) Any other qualifications based factors as the Department may determine in writing are applicable on a project specific basis.
- b) The Committee shall assign AML technical staff, having knowledge of the scope of work requirements, to provide preliminary technical review as necessary and appropriate to assure that all project considerations are taken into account. The Council Staff shall use the following criteria in evaluating each proposal:
- 1) The consultant's experience with similar or related projects.
  - 2) The comprehensiveness of the consultant's staffing plan.
  - 3) Professional and technical background of the consultant and any employees of the consultant.
  - 4) The performance of the consultant with respect to prior contracts with the Council.
- c) The Committee shall not seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation prior to selecting a firm for negotiation.
- d) The Committee may conduct discussions with and require public presentations by Consultants deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services.

(Source: Amended at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.1200 Selection Procedure Project Selection

- a) On the basis of evaluations, discussions and any presentations, the Committee shall select no less than three Consultants that it determines to be qualified to provide services for the project and rank them in order of qualifications to provide those services. The Consultant ranked most preferred shall then be contacted in order to negotiate a contract for a fair and reasonable compensation. The

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Council shall review the Council Staff evaluation of the prequalified Consultant proposals for feasibility studies and/or plan preparations for individual reclamation projects and designate the preferred proposals in rank order based on the criteria set forth in Section 1150.1300 of this Subpart.

- b) If fewer than 3 Consultants submit letters of interest and the Committee determines that one or both of those firms are so qualified, the Department may proceed to negotiate a contract as provided in Section 1300 of this Part. The Executive Director shall then enter into contract negotiations with the consultant submitting the number one ranked proposal. If a contract cannot be executed with that consultant, the Executive Director may then enter into negotiations with the next highest ranked consultant.
- c) The decision of the Department shall be final and binding. In making its determination, the Council may choose from any of the proposals submitted for the project. The awarding of a contract shall require an affirmative vote of five members of the Council. A record of each vote and the reasoning for each selection shall be reduced to writing and kept on file in the Council's Springfield office.
- d) Notice of Contract Awarded
- Notice of each and every contract that is awarded shall be published in the next available Illinois Procurement Bulletin.

(Source: Amended 7 1998 at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.1300 Contract Negotiations Criteria for Consultant Selection

- a) The Department shall prepare a written description of the scope of the proposed services, entitled "Scope of Work", to be used as a basis for negotiations and shall negotiate a contract with the highest ranked qualified Consultant at a compensation that the Department determines in writing to be fair and reasonable. In making this decision, the Department shall take into account the estimated value, scope, complexity, and professional nature of the services to be rendered. Contracts for feasibility studies and/or plan preparations for individual reclamation projects shall be awarded to the most qualified consultants submitting proposals for such projects.

- b) If the Department is unable to negotiate a satisfactory contract with the Consultant that is most preferred, negotiations with that Consultant will be terminated. The Department shall then begin negotiations with the next ranked Consultant. If the Department is unable to negotiate a satisfactory contract with that Consultant, negotiations with that Consultant shall be terminated. The Department shall then begin negotiations with the next ranked Consultant. In evaluating specific project proposals, the Council shall consider the following criteria and factors in determining the preferred proposal:
- 1) The consultant's experience with similar or related projects.

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- 2) ~~the comprehensiveness of the consultant's staffing plan;~~  
 3) ~~professional and technical background of the consultant; and any~~  
~~employees of the consultant;~~  
 4) ~~the performance of the consultant with respect to prior contracts~~  
~~with the Council;~~  
 5) ~~the location of the consultant's office in relation to the~~  
~~project site and the Council office managing the project;~~  
 6) ~~the ability of the consultant to perform the work within the time~~  
~~required;~~  
 7) ~~the "disadvantaged" or "minority" status of the consultant and/or~~  
~~any affirmative action program of the consultant as further set~~  
~~forth in Section 1150-11500.~~

c) If the Department is unable to negotiate a satisfactory contract with any of the selected Consultants, then the Department shall re-evaluate the architectural, engineering, or land surveying services requested, including the estimated value, scope, complexity, and fee requirements. The Department shall then compile a second list of not less than three qualified Consultants and proceed in accordance with the provisions of this Subpart.

d) A Consultant negotiating a contract with the Department shall negotiate any approved subcontracts for architectural, engineering, and land surveying services at compensation that the Consultant determines in writing to be fair and reasonable based upon a written description of the proposed services of the subcontractant.

(Source: Amended at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.1325 Exemptions

a) Small Contracts

The provisions of Sections 1150.1000, 1150.1100, and 1150.1200 of this Part do not apply to architectural, engineering, and land surveying contracts of less than \$25,000.

b) The provisions of Sections 1150.1000, 1150.1100, and 1150.1200 of this Part do not apply to the procurement of architectural, engineering and land surveying services by the Department:

- 1) when the Department determines in writing that it is in the best interests of the State to proceed with the immediate selection of a firm; or
- 2) in emergencies when immediate services are necessary to protect the public health, safety and general welfare from the adverse effects of mining.

(Source: Added at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.1350 Firm Performance Evaluations

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The Department shall evaluate the performance of each Consultant upon completion of a contract. That evaluation shall be made available to the Consultant upon request, who may submit a written response, with the evaluation and response retained solely by the State. The evaluation and response shall not be made available to any other person or firm and is exempt from disclosure under the Freedom of Information Act [5 ILCS 140].

(Source: Added at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.1400 Complaint Procedure

A complaint regarding any decision rendered by or action taken by the Department Council pursuant to this Part may be filed with the Department Council by submitting a written statement setting forth all the facts and circumstances together with the basis for making such complaint and specifically how such decision or action is alleged to be in contradiction of this Part. Upon receipt of a complaint, the Department Council will determine whether, in the decision or action complained of, the Department Council or Staff has acted in accordance with this Part and advise the person submitting the written statement as to this determination and as to what additional action, if any, the Department Council will take. Provided, however, that any such complaint must be filed within 14 days from the time the person complaining becomes aware of the decision or the action is announced to the public, whichever occurs first.

(Source: Amended at 22 Ill. Reg. 15581, effective AUG 17 1998)

## Section 1150.1500 Equal Employment Opportunity; Nondiscrimination; Affirmative Action

It is the policy of the Department Council to execute and administer contracts hereunder in accordance with applicable State and Federal laws and regulations regarding nondiscrimination in the hiring of employees or firms, on the basis of race, color, religion, sex or national origin and regarding affirmative action. While every attempt is made to apprise potential consultants of the requirements this policy may impose upon them, the lack of such appraisal will not preclude the Department Council from requiring compliance with such applicable laws and regulations as a condition to continued payment for work completed under a contract with the Department Council; nor will the lack of such appraisal preclude the Department Council from requiring the return of such payments which would not have been made if, at the time of payment, the Department Council had been aware of any non-compliance. Applicable State and Federal laws and regulations are the Equal Employment Opportunity Clause contained in Section 202 of Executive Order 11246, as implemented by 41 CFR 60-1 (1985) and 43 CFR 17(1985); and the Illinois Department of Human Rights' "Procedures Applicable to All Agencies" (44 Ill. Adm. Code 750).



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## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 15581, effective  
JUL 17 1998)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Environmental Health Practitioner Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1247
- 3) Section Numbers: Adopted Action:  
1247.100 New Section
- 4) Statutory Authority: Environmental Health Practitioner Licensing Act [225 ILCS 37].
- 5) Effective Date of Amendments: August 12, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: February 20, 1998, at 22 Ill. Reg. 3698.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: The International Association of Milk, Food and Environmental Sanitarians was added to the list of approved sponsors for continuing education.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 27 of the Act requires licensees to complete continuing education as a requirement for renewal. This proposed rulemaking implements that provision.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786

## DEPARTMENT OF PROFESSIONAL REGULATION

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217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

## PART 1247

## ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

Section	
1247.10	Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather)
1247.20	Application for Examination/Licensure
1247.30	Examination
1247.40	Approved Programs of Environmental Health Practitioners
1247.50	Experience
1247.60	Endorsement
1247.70	Renewal
1247.80	Inactive Status
1247.90	Restoration
1247.100	Continuing Education
1247.110	Granting Variances

**AUTHORITY:** Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 20 Ill. Reg. 2400, effective January 29, 1996; amended at 21 Ill. Reg. 16038, effective November 24, 1997; amended at 22 Ill. Reg. 15612, effective AUG 12 1998.

## Section 1247.100 Continuing Education

## a) Continuing Education Hours Requirements

- 1) Beginning with the April 30, 2000 renewal and every renewal thereafter, in order to renew a license as an environmental health practitioner, a licensee shall be required to complete 20 hours of continuing education (CE) relevant to the practice of environmental health.
- 2) A prerenewal period is the 24 months preceding April 30 of each even-numbered year.
- 3) One CE hour shall equal 60 minutes of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
- 5) Environmental health practitioners licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- 6) Continuing education credit hours used to satisfy the CE



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requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

b) Approved Continuing Education

1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor meeting the requirements set forth in subsection (c) below, except for those activities provided in subsections (b)(2), (3), (4) and (5) below.

2) A maximum of 10 CE credits per renewal period may be earned for completion of a correspondence course that is offered by an approved sponsor meeting the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.

3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of environmental health related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

4) CE credit may be earned for verified teaching in the field of environmental health in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 2 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per renewal period.

5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of environmental health. The preparation of each published paper, book chapter or professional presentation dealing with environmental health may be claimed as 5 hours of credit. A presentation must be before an audience of professionals. Five credit hours may be claimed for only the first time the information is published or presented.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean:

- A) American Association of Safety Engineers
- B) American Public Health Association
- C) American Society of Safety Engineers
- D) Associated Illinois Milk, Food and Environmental Sanitarians
- E) Association of Food and Drug Officials
- F) Conference for Food Protection

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- G) Illinois Association of Environmental Health Administrators
- H) Illinois Association of Ground Water Professionals
- I) Illinois Association of Public Health Administrators
- J) Illinois Environmental Health Association and Affiliates
- K) Illinois Public Health Association
- L) International Association of Milk, Food, and Environmental Sanitarians
- M) Interstate Shellfish Shippers Conference
- N) National Conference of Interstate Milk Shippers
- O) Illinois Association of Environmental Health Administrators
- P) National Environmental Health Association and Affiliates
- Q) National Restaurant Association and Educational Foundation
- R) National Sanitation Foundation International
- S) North Central Association of Food and Drug Officials
- T) Underwriters Laboratory
- U) State and federal agencies
- V) Any other accredited school, college or university, or any other person, firm, or association, applying pursuant to subsection (c)(2) below and has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.

2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with a \$500 application fee. (State agencies, State colleges, State universities and county and local health departments in Illinois shall be exempt from paying this fee.) The application shall include:

A) Certification:

- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
- ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
- iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
- iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description,

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location, date and time of the program to be offered;  
 B) A copy of a sample program, including course materials, syllabi and a list of faculty.

## 3) All programs shall:

A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in practice of environmental health;  
 B) Foster the enhancement of general or specialized practice and values of environmental health;  
 C) Be developed and presented by persons with education and/or experience in the subject matter of the program;  
 D) Specify the course objectives, course content and teaching methods to be used; and  
 E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

4) Each CE program shall provide a mechanism for evaluation of the program and instructor to be completed by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor shall review together the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

6) All programs given by approved sponsors shall be open to all licensed environmental health practitioners and not be limited to members of a single organization or group.

7) To maintain approval as a sponsor, each sponsor shall submit to the Department by April 30 of each even numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
- B) The name and address of the participant;

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C) A brief statement of the subject matter;  
 D) The number of hours attended in each program;  
 E) The date and place of the program; and  
 F) The signature of the sponsor.

9) The sponsor shall maintain attendance records for not less than 5 years.

10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

11) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Department, after notice to the sponsor and hearing before the Board and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.

12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

## d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

## e) Continuing Education Earned in Other Jurisdictions

1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by



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submitting the approval request form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.

## g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning non-compliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
- B) An incapacitating illness documented by a statement from a currently licensed physician;
- C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
- D) Any other similar extenuating circumstances.

- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Added at 22 Ill. Reg. 15612, effective  
AUG 12 1998)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

- 2) Code Citation: 80 Ill. Adm. Code 1650

- 3) Section Number: Adopted Action:  
1650.380 Amendment

- 4) AUTHORITY: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Section 401(a)(31) of the Internal Revenue Code [26 U.S.C. 401(a)(31)]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

- 5) Effective Date of Amendment: August 14, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these rules contain incorporations by reference? Yes

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: April 24, 1998, 22 Ill. Reg. 7138

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: The original proposal was to repeal the rule. However, due to public comment, specifically by JCAR, the proposal was modified to be an amendment of the rule as indicated.

- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these rules replace an emergency rule currently in effect? Yes

- 14) Are there any amendments pending on this Part? Yes

- 15) Summary and Purpose of Rules: This rule was amended to reflect the new actuarial assumptions adopted by the System's Board of Trustees at its October 1997 meeting.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Tom Gray

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

Assistant General Counsel  
 Teachers' Retirement System  
 2815 West Washington, P.O. Box 19253  
 Springfield, Illinois 62794-9253  
 217/753-0961

The full text of the Adopted Amendment begins on the next page:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
 SUBTITLE D: RETIREMENT SYSTEMS  
 CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF  
 THE STATE OF ILLINOIS

## PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
 TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section  
 1650.10 Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

Section  
 1650.110 Membership Records  
 1650.120 Claims Records (Repealed)  
 1650.130 Individual Accounts (Repealed)  
 1650.140 Ledger and Accounts Books (Repealed)  
 1650.150 Statistics (Repealed)  
 1650.160 Confidentiality of Records  
 1650.180 Filing and Payment Requirements  
 1650.181 Early Retirement Incentive Payment Requirements  
 1650.182 Waiver of Additional Amounts Due  
 1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

Section  
 1650.210 Claim Applications  
 1650.220 Reclassification of Disability Claim (Repealed)  
 1650.230 Medical Examinations and Investigations of Claims  
 1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment  
 1650.250 Death Benefits  
 1650.260 Evidence of Age  
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 1650.272 Eligible Child Dependent By Reason of a Physical or Mental  
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## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

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 1650.310 Effective Date of Membership



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
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1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
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1650.390	Independent Contractors

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1650.420	Interest on Deficiencies (Repealed)
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1650.450	Definition of Salary
1650.451	Reporting of Conditional Payments
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## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

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1650.810	Parliamentary Procedure

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1650.960	Executive Director's Response to Appeal
1650.970	Response to FOIA Requests
1650.980	Inspection of Records at System Office
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1650.1020	Eligible Voters
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1650.1040	Marking of Ballots
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## SUBPART M: RETIREMENT BENEFITS

Section	
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## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

## 1650.2900 Excess Benefit Arrangement

**AUTHORITY:** Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Section 401(a)(31) of the Internal Revenue Code [26 U.S.C. 401(a)(31)]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective AUG 14 1998.

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

## Section 1650.380 Definition of Actuarial Equivalent

"Actuarial equivalent" as defined in Section 16-122 of the Illinois Pension Code [40 ILCS 5/16-122] shall mean a benefit or sum of equal value to another benefit or sum when computed on the basis of:

- a) the--UP--1994--Mortality Table with the ages of primary annuitants--set back--six years--and the ages of--contingent--annuitants--set--back--six years the 1995 George B. Buck Mortality Tables, with 42½ male mortality and no age adjustments for primary annuitants, and with 58½ male mortality and ages set forward one year for contingent annuitants. (The 1995 George B. Buck Mortality Tables incorporated by reference into this Section were prepared in 1995 by Buck Consultants, 500 Plaza Drive, Secaucus, New Jersey 07096-1533 and do not include any later amendments to these tables. Copies of the tables may be obtained from the Office of General Counsel, Teachers' Retirement System of the State of Illinois, 2815 West Washington, Post Office Box 19253, Springfield, Illinois 62794-9253.); and
- b) interest at 8.5% per annum, compounded annually.

(Source: Amended at 22 Ill. Reg. 15620, effective AUG 14 1998)

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: ACCESS TO INFORMATION

2) Code Citation: 2 Ill. Adm. Code 651

3) Section Number: Adopted Action:  
651.101 Amendment  
651.103 Amendment  
651.APPENDIX B Amendment

4) Statutory Authority: Freedom of Information Act [5 ILCS 140]

5) Effective Date of Amendments: August 24, 1998

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's office principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: 22 Ill. Reg. 1119 1/9/98

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: There are no substantive differences.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the Amendments: To permit an attorney to serve as the Freedom of Information Officer and to expand the "Fee Schedule for Duplication of Public Records" that is attached as Appendix B, to include reduced fees for duplication of electronically stored records.

16) Information and questions regarding these amendments should be directed to:

Martin O. Noven  
Legal Counsel  
Office of the Illinois State Treasurer  
160 North LaSalle Street, Suite S-210



## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF ADOPTED AMENDMENTS

Chicago, Illinois 60601

The full text of the Adopted Amendments begins on the next page:

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER VII: TREASURER

## PART 651

## ACCESS TO INFORMATION

## SUBPART A: INTRODUCTION

Section  
651.101 Summary and Purposes  
651.103 Definitions

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section  
651.201 Person to Whom Requests are Submitted  
651.202 Form and Content of Requests

SUBPART C: PROCEDURES FOR TREASURER'S OFFICE RESPONSE  
TO REQUESTS FOR PUBLIC RECORDS

Section  
651.301 Timeline for Treasurer's Office Response  
651.302 Types of Office Responses

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section  
651.401 Appeal of a Denial  
651.402 Treasurer's Response to Appeal

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section  
651.501 Inspection of Records at Treasurer's Offices  
651.502 Copies of Public Records  
651.503 General Materials Available from the Freedom of Information Officer

APPENDIX A Request for Public Records  
APPENDIX B Fee Schedule for Duplication of Public Records  
APPENDIX C Approval of Request for Public Records  
APPENDIX D Denial of Request for Public Records  
APPENDIX E Partial Approval of Request for Public Records  
APPENDIX F Deferral of Response to Request for Public Records  
APPENDIX G FOIA Appeal, State Treasurer's Response

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF ADOPTED AMENDMENTS

ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 13427, effective July 16, 1984; amended at 22 Ill. Reg. 15626, effective AUG 24 1998.

## SUBPART A: INTRODUCTION

## Section 651.101 Summary and Purposes

- a) This Part is ~~these rules~~ are established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. ~~{Supp--to-III--Rev-Stat--1983--ch--116--pars--201-et-seq--}~~ The purpose of this Part ~~these rules~~ is to support the policy of providing public access to the public records in the possession of the Office of the State Treasurer while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Part ~~creates these rules~~ create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] ~~{III--Rev-Stat--1991--ch--127--par--1005--157.}~~

(Source: Amended at 22 Ill. Reg. 15626, effective AUG 24 1998)

## Section 651.103 Definitions

- a) Terms used in this Part ~~these rules~~ shall have the same meaning as in the Freedom of Information Act.
- b) "FOIA" means the Freedom of Information Act.
- c) "Freedom of Information Officer" means ~~the~~ an attorney who is appointed by the Treasurer to be ~~Deputy State Treasurer~~ an individual who ~~will be~~ responsible for receiving and responding to requests for public records.
- d) "Requestor" means a person who submits a request for public records in accordance with this Part ~~these rules~~.

(Source: Amended at 22 Ill. Reg. 15626, effective AUG 24 1998)

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF ADOPTED AMENDMENTS

## Section 651.APPENDIX B Fee Schedule for Duplication of Public Records

## Type of Duplication

## Per Copy Charge

Paper copy from paper original

\$ .35 per 8 1/2" by 11" page  
 \$ .35 per 8 1/2" by 14" page  
 \$1.00 per page on larger paper

## Electronically stored records

\$ .05 per 8 1/2" by 11" page  
 \$ .05 per 8 1/2" by 14" page  
 \$ .50 per computer disk  
 \$1.00 per page on larger paper

## Computer-Printout-paper

(Source: Amended at 22 Ill. Reg. 15626, effective AUG 24 1998)



## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Home Ownership Made Easy Act

2) Code Citation: 74 Ill. Adm. Code 750

<u>Section Number:</u>	<u>Proposed Action:</u>
750.10	Amendment
750.20	Amendment
750.40	Amendment
750.50	Amendment
750.60	Amendment
750.70	Amendment
750.80	Amendment
750.100	Amendment
750.110	Amendment
750.150	Repealer
750.APPENDIX A	Amendment
750.APPENDIX C	Amendment

4) Statutory Authority: Home Ownership Made Easy Act (310 ILCS 55), as amended by Public Act 87-1206, effective September 25, 1992

5) Effective Date of Amendments: August 24, 1998

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: 22 Ill. Reg. 1124  
- 1/9/98

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the Amendments: Deletion of all references to the Old H.O.M.E. Program and retention of all references to the New H.O.M.E. Program.

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these amendments should be directed to:

Martin O. Noven  
Legal Counsel  
Office of the Illinois State Treasurer  
160 North LaSalle Street, Suite S-210  
Chicago, Illinois 60601

The full text of the Adopted Amendments begins on the next page:

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE  
CHAPTER V: TREASURER

## PART 750

## HOME OWNERSHIP MADE EASY ACT

## Section

- 750.10 Definitions
- 750.20 Treasurer's Authority to Make and Continue Contracts and Agreements
- 750.30 Eligibility for the Program
- 750.40 Certification of Program Depositories
- 750.50 Enrollment Procedures
- 750.60 Saver Deposit/Withdrawal Options
- 750.70 Participant Statements
- 750.80 Tax Reporting
- 750.90 Transfer Requests
- 750.100 Termination Requests
- 750.110 Treasurer's Certification of H.O.M.E. Participants
- 750.120 Benefits of Program Certification
- 750.130 Illinois Housing Development Authority Mortgage Priority
- 750.140 Program Depository Requirements
- 750.150 Payment of Expenses (Repealed)

## APPENDIX A Certification Notice Form

## APPENDIX B Certification Instruction Form

## APPENDIX C Account Enrollment Form

## APPENDIX D Account Report Form

**AUTHORITY:** Implementing and authorized by the Home Ownership Made Easy Act of 1989 [310 ILCS 55] (see Public Act 87-1206, effective September 25, 1992).

**SOURCE:** Adopted at 15 Ill. Reg. 14121, effective September 17, 1991; amended at 16 Ill. Reg. 203, effective December 18, 1991; amended at 16 Ill. Reg. 17359, effective October 28, 1992; old Part repealed, new Part adopted at 17 Ill. Reg. 9081, effective June 8, 1993; amended at 22 Ill. Reg. 15631, effective AUG 24 1998.

## Section 750.10 Definitions

The following definitions shall apply to this Part:

"Account Enrollment Form" A form, substantially similar to Appendix C of this Part, which will be filed by a Program Depository upon enrolling a Participant.

"Account Report Form" A form, substantially similar to Appendix D of this Part.

"Administering Financial Institution" the financial institution

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designated by the Treasurer to manage the H.O.M.E. fund for investments of Participants enrolled prior to the effective date of this Part.

"Certification Instruction Form" A form, substantially similar to Appendix B of this Part, which will accompany the Certification Notice Form.

"Certification Notice Form" A form, substantially similar to Appendix A of this Part.

"Effective Date" The effective date of P.A. 87-1206, H.B. 4119, the 1992 amendment to the Home Ownership Made Easy Act, which is September 25, 1992.

"Employer Direct-Deposit Program" A program administered by a Participant's employer and Program Depository to make a direct deposit of some portion of the Participant's paycheck into a H.O.M.E. account.

"Matching Deposit Program" A program by which a Participant's employer will match deposits made to a H.O.M.E. account according to a schedule determined by such employers individually.

"Notice Date" A date within 10 months of the Effective Date on which the Treasurer will notify Program Participants who enrolled prior to the Effective Date that such Participants must transfer their deposits to a certified Program Depository.

"Passbook Savings Account" An account at a certified Program Depository which utilizes a passbook retained by the Program Participant.

"Program Depositories" The financial institutions certified by the Treasurer which will market and administer the H.O.M.E. Program after the Effective Date.

"Qualifying Balance for transfer tax return eligibility" That portion of the purchase price of a home for which a certified H.O.M.E. Participant is exempt from paying the State real estate transfer tax.

(Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)

Section 750.20 Treasurer's Authority to Make and Continue Contracts and Agreements

To provide for administration of the Home Ownership Made Easy Act of 1989, as amended ("H.O.M.E." or the "Program"), the Treasurer may enter into such



## OFFICE OF THE ILLINOIS STATE TREASURER

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contracts as may be necessary:

- a) When:
- 1) It is more cost efficient;
  - 2) Services are not provided by other State agencies;
  - 3) It results in lower costs or higher effectiveness or quality of services or responsiveness.
- b) Such contracts include, but are not limited to, contracts for the administration and distribution of investment options by third parties and for investment advisory and transfer agency services to be performed by third parties.
- c) The current Administering Financial Institution may continue to manage investments in the H.O.M.E. Fund of Participants with deposits in the Administering Financial Institution until all such Participants have received refunds of such deposits.

(Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)

## Section 750.40 Certification of Program Depositories

a) The following are eligible to apply for certification as a Program Depository:

- 1) Any federally chartered commercial bank or savings and loan association organized and operating in this State pursuant to the laws of the United States;
- 2) Any bank subject to the Illinois Banking Act (205 ILCS 5);
- 3) Any savings and loan association subject to the Illinois Savings and Loan Act of 1985 (205 ILCS 105);
- 4) Any credit union subject to the Illinois Credit Union Act (205 ILCS 105);
- 5) Any broker or dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 789 et seq.);
- 6) Any dealer registered under the Illinois Securities Law of 1953 (205 ILCS 105);

b) Applications for certification as a Program Depository shall be evaluated according to the following criteria:

- 1) A commitment to making home ownership a reality for a broad base of Illinois residents;
  - 2) Current and/or past participation in the Treasurer's other programs;
  - 3) Ability to comply with the reporting and other requirements of the H.O.M.E. Act and this part.
- c) Applications shall be by letter from the financial institution to the Treasurer, describing how the financial institution meets the criteria for participation.

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- d) The Treasurer shall, from time to time, evaluate Program Depositories in order to insure that the goals of the H.O.M.E. Program are being furthered efficiently and to the fullest extent possible. The Treasurer shall withdraw certification from any Program Depository on 30 days notice if such Program Depository:

- 1) violates this Part, or
- 2) is determined by a court of competent jurisdiction to have violated any fair housing laws.

(Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)

## Section 750.50 Enrollment Procedures

a) New H.O.M.E. Program After the Effective Date, new Participants may enroll in the Program as follows:

- a1) Participants shall select an Illinois financial institution certified as a Program Depository by the Treasurer. A list of financial institutions so certified is available from the H.O.M.E. office, or by calling 312-814-1700 x-888-535-1164.

- b2) Each Program Depository will determine the type or types of investment options which will be offered to Program Participants. Permissible investments include, but are not limited to statement savings accounts, passbook savings accounts, certificates of deposit, and securities accounts. A representative of the Program Depository will present the investment option or options available at that Program Depository to the Participant, who shall then make an initial deposit. The investment account must be specifically designated as a H.O.M.E. account and must be insured in one of the following: the Federal Deposit Insurance Corporation, the National Credit Union Association, or the Securities Investors Protection Corporation.

- c3) Where the selection for the investment option is a Passbook Savings Account, the initial deposit amount shall be no less than \$100. A Program Depository need not offer a Passbook Savings Account as an investment option. The Program Depository may determine the minimum deposit for alternative investment options. Subsequent deposits may be made in any amount subject to the requirements of the Program Depository.

- b) Old H.O.M.E. Program Participants with deposits in the Administering Financial Institution may continue to participate in the Program after the Effective Date by selecting a Program Depository and depositing their H.O.M.E. savings to a certified Program Depository no later than 30 days after the Notice Date.

- c) Old H.O.M.E. Program If a Participant with deposits in the Administering Financial Institution does not before 30 days after the Notice Date select and deposit such Participant's refund to a certified Program Depository, the Treasurer will direct the Administering Financial Institution to refund such Participant's

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individually, provided such statements will issue annually at the minimum.

(Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)

Section 750.80 Tax Reporting

a) ~~Bid--H-0-M-B--Program--For-Program-Participants-with-deposits-in-the Administering-Financial-Institution--a-report-of-dividends-earned-for tax--reporting--purposes--will-be-mailed-within-thirty-one-(31)-days after-the-end-of-each-calendar-year.~~

b) ~~New-H-0-M-B--Program-Program Participants with accounts at certified Program Depositories will receive reports of interest or dividends earned according to rules adopted by the Program Depositories individually.~~

(Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)

Section 750.100 Termination Requests

a) ~~Bid--H-0-M-B--Program--Program-Participants-with-deposits--in-the Administering-Financial-Institution-who--have--not--transferred--their accounts--to--a-Program--Depository--may--terminate--participation-by submitting-a-request-to-close-their-accounts--using--the--termination request-form--printed-on-the-back-of-each-monthly-statement--if-such-a Program-Participant-requests-that-the-proceeds-of-his-account-be-wired to-an-account-at-a-financial-institution--a-wire-charge-of-\$18-will-be assessed--the-wire-charge-will-be-deducted-from-the-Participant's account-balance-and-the-net-proceeds-wired--accordingly--the-wire charge-will-be-shown-separately--from--the--termination--on--the Participant's-final-account-statement.~~

ab) ~~New--H-0-M-B--Program-Program Participants with accounts at a certified Program Depository may terminate participation by notifying their Program Depository according to rules determined by the individual Program Depositories. Such Participants should designate their intention either to terminate participation in the program or to transfer to another Program Depository on the Account Report form.~~

be) ~~A terminating Participant may, within 60 days after submitting a termination request, reinvest such Participant's proceeds in a certified Program Depository. Such Participants should check the box designated "Transferred Account" on the Account Enrollment Form filed with the transferee's Program Depository. For the purpose of determining Program benefits, participation will relate back to the initial enrollment date.~~

(Source: Amended at 22 Ill. Reg. 15631, effective

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deposits--with--a-notice--stating--that--the--deposit--amount--must--be reinvested--in--a-certified-Program-Depository--within--90-days--in-order to-maintain-the-Participant's-eligibility-for-Program-benefits.

a) ~~Bid--H-0-M-B--Program--if-the-Administering-Financial-Institution-is unable-to-refund-the-deposits-of-any-Participant--the-Treasurer--will direct--the--Administering-Financial-Institution--to--transfer--such deposits--to--a-certified-Program-Depository-designated-by-the-Treasurer in-the-name-of-the-Participant.~~

(Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)

Section 750.60 Saver Deposit/Withdrawal Options

a) ~~Bid--H-0-M-B--Program-Participants-with-deposits-in-the-Administering Financial-Institution-who--have--not--transferred--their-deposits--to--a certified-Program-Depository--may--make--deposits--as--follows:~~

1) ~~Pre-authorized-withdrawals-from-saver's-checking-account--on--a monthly-basis--in--the-amount--of--\$50--or--more--provided--such authorization-was-provided-before-the-Notice-Date.~~

2) ~~Coupon-remittances--to--be--used--either--monthly--quarterly--or semi-annually--to--accompany-checks-or-money-orders--in-the-amount of-\$50--or--more--the-saver-will-be-provided-with-deposit-coupons.~~

b) ~~New--H-0-M-B--Program-All Participants holding accounts with Program Depositories shall make deposits and withdrawals according to rules determined by the Program Depositories individually. Deposit arrangements may include Employer Direct-Deposit and Matching Deposit Programs.~~

(Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)

Section 750.70 Participant Statements

a) ~~Bid--H-0-M-B--Program-Participants-with-deposits-in-the-Administering Financial-Institution-who--have--not--transferred--their--deposits--to--a certified-Program-Depository--shall--receive--statements--as--follows:~~

1) ~~Each--such--Participant--will--receive--a-monthly-statement--from--the H-0-M-B--Fund--showing--the--beginning-balance--deposits--and withdrawals--during--the--month--dividends--paid--yearly--on Participant's-fund-for-period-and-ending-balance.~~

2) ~~The-back-of-the-statement-will-have-a-section--to--be--used--for address--changes--name--changes--and--withdrawal-and-termination requests.~~

b) ~~New-H-0-M-B--Program-Participants with accounts at certified Program Depositories shall receive statements from the Program Depository holding such Participant's account according to rules determined by the Program Depositories~~



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AUG 24 1998

## Section 750.110 Treasurer's Certification of H.O.M.E. Participants

a) Old H.O.M.E. Program: For terminating program Participants with deposits in the Administering Financial Institution who have not transferred their accounts to a Program Depository, the Treasurer shall provide a final account statement and a formal notice of certification if such Participant has adhered to the Program rules.

1) Such Program Participants qualify for certification if they participate in the program for three twelve (12) month periods or more and at least two deposits are made in each twelve (12) month period. 2) For such Program Participants a Qualifying Balance for transfer tax return eligibility shall be calculated at 29 times the Participant's final account balance provided however that for accounts where more than fifty percent (50%) of the Program account balance at the time of termination is due to contributions made during the last twelve (12) month period the Qualifying Balance will be calculated at forty (40) times the account balance at the beginning of the last twelve (12) month period. b) New H.O.M.E. Program: For terminating Participants with accounts at certified Program Depositories, the Program Depository shall transmit an Account Report form to the Treasurer. Such form will specify: the ending date of participation; income earned on the account to date for the current calendar year; and the ending deposit balance upon termination. The Treasurer will provide a formal notice of certification on the Certification Notice form if such Participant has adhered to the Program rules.

1) Such program Participants qualify for certification if they deposit moneys for a period of at least two years in a chosen investment vehicle specifically designated as a H.O.M.E. account according to the Program Depository's requirements.

2) For such Program Participants, a Qualifying Balance for transfer tax return eligibility shall be calculated at 20 times the Participant's final account balance.

be) For all terminating Program Participants eligible for certification:

1) The Program Participant shall be notified of the amount of a home's purchase price on which the tax imposed under the Real Estate Transfer Tax Act (Ill. Rev. Stat., 1991, ch. 120, par. 1001 et seq.) [35 ILCS 305] will be waived for such Participant by the Illinois Department of Revenue on the Certification Notice form.

2) The certification shall have an initial term of six (6) months. Certification may be renewed for an additional six (6) months. Such renewal requests can be made by written request to the Treasurer before the expiration of the initial 6 month period.

3) The certification shall be accompanied by instructions on how to file for waiver of the real estate transfer tax with the Illinois

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Department of Revenue, and the County Treasurer (if appropriate). The Treasurer shall provide copies of all certifications to the Illinois Department of Revenue, the Illinois Housing Development Authority, and the County Treasurer (if appropriate), upon request.

4) (Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)

## Section 750.150 Payment of Expenses (Repealed)

Old H.O.M.E. Program: For the Participants with deposits in the Administering Financial Institution who have not transferred their deposits to certified Program Depositories, expenses of administering the Program, which include but are not limited to, administration, account processing, marketing, and management of the H.O.M.E. Fund, shall be paid from the earnings of the H.O.M.E. Fund.

(Source: Repealed at 22 Ill. Reg. 15631, effective AUG 24 1998)

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Section 750.APPENDIX A Certification Notice Form  
CERTIFICATION NOTICE

The individual(s) names below have met the requirements established for the H.O.M.E. program and are hereby given certification status. The certification entitles the H.O.M.E. Saver(s) to the benefits of the program as defined in its rules.

Name(s) \_\_\_\_\_  
Address \_\_\_\_\_  
Account # \_\_\_\_\_

Transfer Tax Credit Up To \_\_\_\_\_  
Total income earned on H.O.M.E. investments during participation in the program may be subtracted in computing the Participant's Illinois base income for the year in which the Participant acquires his or her interest in residential real estate under the Illinois Income Tax Act.

Total income earned \_\_\_\_\_

Treasurer's Office \_\_\_\_\_

Date of Issuance: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

This certificate expires in six (6) months. To renew the certificate, call the H.O.M.E. office at 312-814-1700 x-888-535-1164. You may renew the certificate once, for an additional six (6) months.

To receive an exemption from the Real Estate Transfer tax for your home purchase, have the seller(s) of the home you purchased and a witness who is not a party of the real estate transaction sign this certification.

NOTE: A H.O.M.E. saver is only eligible for waiver of the Real Estate Transfer Tax where the H.O.M.E. saver, as buyer, has taken the contractual responsibility of paying such transfer tax.

We/I hereby certify that the buyer is contractually responsible for payment of the Real Estate Transfer Tax as part of the sale of this property, as shown on the statement of closing proceeds and that we/I are the parties/witness to this transaction.

H.O.M.E Saver(s)	date	Seller(s)	date
H.O.M.E Saver(s)	date	Seller(s)	date

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Witness \_\_\_\_\_ date \_\_\_\_\_

(Source: Amended at 22 Ill. Reg. 15631, effective AUG 24 1998)



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Section 750.APPENDIX C Account Enrollment Form  
ACCOUNT ENROLLMENT FORM

Owner's Name (First, Initial, Last)  
\_\_\_\_\_  
Owner's Social Security Number  
\_\_\_\_\_  
Date of Birth  
\_\_\_\_\_  
Street or P.O. Box Number  
\_\_\_\_\_  
Phone  
\_\_\_\_\_  
City  
\_\_\_\_\_  
State  
\_\_\_\_\_  
Zip  
\_\_\_\_\_  
Joint Owner's Name (First, Initial, Last)  
\_\_\_\_\_  
Joint Owner's Social Security Number  
\_\_\_\_\_  
Date of Birth  
\_\_\_\_\_  
Street or P.O. Box Number  
\_\_\_\_\_  
Phone  
\_\_\_\_\_

City  
\_\_\_\_\_  
State  
\_\_\_\_\_  
Zip  
\_\_\_\_\_  
Date of Enrollment:  
\_\_\_\_\_  
Initial Account Balance: 9001  
Check one:  
New H.O.M.E. Saver  
Transferred account  
Transfer from H-0-M-E--Fund  
Investment type: June-07-1993  
Deposit method: June-07-1993  
Program Depository Name:  
\_\_\_\_\_  
I/We hereby authorize the Program Depository to disclose to the Treasurer's  
Office office such information as is necessary for verification of Program  
participation.

Signature  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
(Source: Amended, 22 Ill. Reg. 15631, effective  
AUG 24 1998 )

1) Heading of the Part: Procurement	
2) Code Citation: 44 Ill. Adm. Code 1400	
3) Section Numbers:	Adopted Action:
1400.505	New
1400.510	New
1400.515	New
1400.520	New
1400.525	New
1400.530	New
1400.1005	New
1400.1010	New
1400.1015	New
1400.1505	New
1400.1510	New
1400.1515	New
1400.2005	New
1400.2010	New
1400.2015	New
1400.2020	New
1400.2025	New
1400.2030	New
1400.2035	New
1400.2040	New
1400.2045	New
1400.2505	New
1400.2510	New
1400.2515	New
1400.2520	New
1400.3005	New
1400.3010	New
1400.3505	New
1400.3510	New
1400.3515	New
1400.3520	New
1400.3525	New
1400.4005	New
1400.4010	New
1400.4015	New
1400.4020	New
1400.4505	New
1400.4510	New
1400.4515	New
1400.4520	New
1400.4525	New
1400.4530	New
1400.4535	New

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1400.4540 New  
 1400.4545 New  
 1400.4550 New  
 1400.4555 New  
 1400.4560 New  
 1400.4565 New  
 1400.5005 New  
 1400.5010 New  
 1400.5015 New  
 1400.5020 New  
 1400.5025 New  
 1400.5030 New  
 1400.5035 New  
 1400.5040 New  
 1400.5045 New  
 1400.5050 New  
 1400.5055 New  
 1400.5060 New  
 1400.5065 New  
 1400.5505 New  
 1400.6005 New  
 1400.6010 New  
 1400.6015 New  
 1400.6020 New  
 1400.6025 New  
 1400.6030 New  
 1400.6035 New

4) Statutory Authority: Section 1-30 of the Illinois Procurement Code [30 ILCS 525/1-30]

5) Effective Date of Rules: August 24, 1998

6) Do these rules contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: 22 Ill. Reg. 7902 5/8/98

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Differences between proposal and final version: We made many editorial and non-substantive changes to the proposed rules based on the

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recommendation of the Joint Committee on Administrative Rules. In addition we added language in Section 1400.1505(b) to limit the fee for postage and copying of procurement publications in accordance with the price structure established for Freedom of Information Act requests at 2 Ill. Adm. Code 651.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the Rules: These Rules will set forth the process for the procurement of goods and services by the Treasurer's office in compliance with Section 1-30 of the Illinois Procurement Code, which requires that constitutional officers procure their needs in a manner substantially in accordance with the requirements of the Code and promulgate rules that are no less restrictive than the requirements of the Code.

16) Information and questions regarding these amendments should be directed to:

Martin O. Noven  
 Legal Counsel  
 Office of the Illinois State Treasurer  
 160 North LaSalle Street, Suite S-210  
 Chicago, Illinois 60601

The full text of the Adopted Rules begins on the next page:



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## TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS, AND PROPERTY

## SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

## CHAPTER 21: TREASURER

## PART 1400

## PROCUREMENT

## SUBPART A: GENERAL

Section	Title
1400.505	Policy
1400.510	Applicability
1400.515	Definition of Terms
1400.520	Property Rights
1400.525	Department of Central Management Services
1400.530	

## SUBPART B: PROCUREMENT AUTHORITY

Section	Title
1400.1005	Chief Procurement Officer
1400.1010	Purchasing Officer
1400.1015	Small Business Specialist

## SUBPART C: PUBLICATION, SOLICITATION AND DOCUMENTATION

Section	Title
1400.1505	Publication
1400.1510	Solicitation
1400.1515	Documentation

## SUBPART D: PROCUREMENT METHODS

Section	Title
1400.2005	Competitive Sealed Bidding
1400.2010	Multi-Step Sealed Bidding
1400.2015	Competitive Sealed Proposals
1400.2020	Small Purchases
1400.2025	Sole Source Procurements
1400.2030	Emergency Procurements
1400.2035	Procurement of Professional and Artistic Services
1400.2040	Procurement of Real Property Leases
1400.2045	Other Methods of Source Selection

## SUBPART E: GENERAL PROCUREMENT GUIDELINES

Section

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1400.2505	General Provisions
1400.2510	Tie Bids and Proposals
1400.2515	Correction or Withdrawal of Proposals
1400.2520	Cancellation of Solicitations and Rejection of Offers

## SUBPART F: SPECIFICATIONS AND SECURITY REQUIREMENTS

Section	Title
1400.3005	Specifications
1400.3010	Security Requirements

## SUBPART G: CONTRACTS

Section	Title
1400.3505	Types of Contracts
1400.3510	Duration of Contracts
1400.3515	Contract Pricing
1400.3520	Contract Provisions
1400.3525	Prevailing Wage Requirements

## SUBPART H: DISPUTES, PROTESTS AND CONTROVERSIES

Section	Title
1400.4005	Disputes and Protests Regarding Solicitations and Awards
1400.4010	Contract Controversies
1400.4015	Remedies
1400.4020	Suspension

## SUBPART I: PREFERENCES

Section	Title
1400.4505	Procurement Preferences
1400.4510	Resident Vendor Preference
1400.4515	Soybean Oil-based Ink
1400.4520	Recycled Materials
1400.4525	Recycled Paper
1400.4530	Correctional Industries
1400.4535	Sheltered Workshops for the Disabled
1400.4540	Gas Mileage
1400.4545	Illinois Agricultural Products
1400.4550	Corn-based Plastics
1400.4555	Vehicles Powered by Agricultural Commodity-based Fuel
1400.4560	Small Businesses
1400.4565	Preferences for Veterans, Minorities, Females, and Persons with Disabilities

## SUBPART J: ETHICS

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Section  
1400.5005 Purpose  
1400.5010 Bribery  
1400.5015 Felons  
1400.5020 Conflicts of Interest  
1400.5025 Negotiations for Future Employment  
1400.5030 Revolving Door  
1400.5035 Disclosure of Financial Interests and Potential Conflicts of Interest  
1401.5040 Reporting Anticompetitive Practices  
1400.5045 Confidentiality  
1400.5050 Insider Information  
1400.5055 Additional Provisions  
1400.5060 Other Violations  
1400.5065 Supply Inventory

## SUBPART K: CONCESSIONS

Section  
1400.5505 Concessions

## SUBPART L: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section  
1400.6005 Severability  
1400.6010 Government Furnished Property  
1400.6015 Inspections  
1400.6020 No Waiver of Sovereign Immunity  
1400.6025 Postage Stamps  
1400.6030 Printing  
1400.6035 Annual Reports

AUTHORITY: Implementing and authorized by Section 1-30 of the Illinois Procurement Code [30 ILCS 525/1-30].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 13169, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 15644, effective AUG 24 1998.

## SUBPART A: GENERAL

## Section 1400.505 Title

This Part may be cited as the Office of the Treasurer Procurement Rules.

## Section 1400.510 Policy

All procurements by the Treasurer's office will be accomplished in the most

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competitive, expeditious, economical and commercially reasonable manner that is in accordance with law, this Part and other applicable rules.

## Section 1400.515 Applicability

a) This Part applies to all procurements by the Treasurer's office with a Solicitation Date of July 1, 1998 or later with the exception of the following:

- 1) contracts between the Treasurer's office and any federal, State, or local governmental body;
  - 2) agreements for the deposit of State moneys in interest bearing accounts or the investment of State moneys under the Deposit of State Moneys Act [15 ILCS 520] or the Public Funds Investment Act [30 ILCS 235];
  - 3) hiring employees, including contractual employees but not independent contractors, of the Treasurer's office;
  - 4) collective bargaining agreements;
  - 5) contracts approved by the Chief Legal Counsel as necessary to prepare for anticipated litigation, enforcement actions, or investigations.
- b) The terms and conditions and the rights and obligations under contracts resulting from procurements with a Solicitation Date that is earlier than the effective date of this Part will not be impaired.

## Section 1400.520 Definition of Terms

Each term listed in this Section has the meaning below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in those Sections.

"Bid" - A response to an Invitation for Bids.

"Bidder" - The person or entity submitting a bid.

"Brand Name or Equal Specification" - A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet Treasurer's office requirements, and that allows the submission of equivalent products.

"Brand Name Specification" - A specification limited to one or more items by manufacturer's names or catalogue numbers.

"Chief Legal Counsel" - An attorney for the Treasurer's office who reports directly to the Chief of Staff and is primarily responsible for the legal functioning of the Treasurer's office.

"Chief of Staff" - The Chief of Staff for the Treasurer's office.



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"Chief Procurement Officer" - The employee of the Treasurer's office who is appointed by the Treasurer to be primarily responsible for the procurement of all goods and services by the Treasurer's office.

"Contract" - Any agreement or lease that requires the payment of State funds by the Treasurer's office in exchange for goods or services.

"Day" - Calendar day as opposed to business day. In computing any period of time, the day of the event from which the designated period of time begins to run is not included, but the last day of the period is included unless it is a Saturday, Sunday, or a State holiday, in which event the period runs to the end of the next business day.

"Invitation for Bids" - A document prepared and distributed by the Treasurer's office soliciting bids for the provision of goods or services to the Treasurer's office.

"Offer" - A bid, proposal, or response solicited by the Treasurer's office.

"Offeror" - The person or entity submitting a bid, proposal or response solicited by the Treasurer's office.

"Procurement Review Board" - A board composed of the Chief of Staff, the Chief Legal Counsel, and the Inspector General for the Treasurer's office.

"Professional and Artistic Services" - Those services provided under contract to the Treasurer's office by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability.

"Proposal" - A response to a Request for Proposals.

"Proposer" - The person or entity submitting a proposal.

"Purchasing Officer" - One or more employees of the Treasurer's office that serve at the direction of the Chief Procurement Officer and are responsible for coordinating the procurement activity of the Treasurer's office.

"Request for Information" - A document prepared and distributed by the Treasurer's office soliciting lease information for real property.

"Request for Proposals" - A document prepared and distributed by the Treasurer's office soliciting proposals for the provision of goods or services to the Treasurer's office.

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"Respondent" - The person or entity submitting a response to a Request for Information from the Treasurer's office.

"Response" - A response to a Request for Information.

"Responsible Bidder, Proposer or Respondent" - A person or entity that is capable in all respects of performing fully the contract requirements and has the integrity and reliability that will assure good faith performance.

"Responsive Bidder" - A person or entity that has submitted a bid conforming in all material respects to an Invitation for Bids or Request for Proposal.

"Small Business Specialist" - An employee of the Treasurer's office who is responsible for assisting small businesses in submitting offers to the Treasurer's office for the provision of goods and services.

"Solicitation" - An Invitation for Bids, Request for Proposals or Request for Information.

"Solicitation Date" - The date that bids or proposals are solicited for the provision of goods or services to the Treasurer's office by communicating the solicitation orally, depositing the solicitation in the U.S. Mail or posting the solicitation electronically, whichever occurs first.

"Specification" - Any description of the physical, functional or performance characteristics or of the nature of a supply, a service, or construction items. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, a service, or construction item for delivery.

"Treasurer's Web Site" - The World Wide Web site of the Office of the Illinois State Treasurer at [www.state.il.us/treas](http://www.state.il.us/treas).

**Section 1400.525 Property Rights**

Receipt of a solicitation or submission of any bid, proposal or response to a solicitation confers no right to receive an award or contract, nor does it obligate the State in any manner.

**Section 1400.530 Department of Central Management Services**

The Treasurer's office may, without soliciting independent bids, proposals, or responses, procure goods and services from vendors selected by the Department of Central Management Services (CMS) in accordance with a competitive selection process established by CMS under the Illinois Procurement Code [30 ILCS 525].

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## SUBPART B: PROCUREMENT AUTHORITY

## Section 1400.1005 Chief Procurement Officer

The Chief Procurement Officer shall insure that all procurements of the Treasurer's office are in accordance with this Part and in the best interest of the State. The Chief Procurement Officer is responsible for the activities of the Purchasing Officers and the Small Business Specialist who serve under his or her direction and supervision.

## Section 1400.1010 Purchasing Officer

- a) The Chief Procurement Officer, subject to the approval of the Treasurer, may appoint one or more employees under his or her direction and supervision to serve as Purchasing Officers.
- b) Before making an appointment, the Chief Procurement Officer shall, among other factors, consider each individual's character and fitness and understanding of the procurement process.

## Section 1400.1015 Small Business Specialist

- a) The Chief Procurement Officer, subject to the approval of the Treasurer, may designate an employee of the Treasurer's office with experience negotiating contracts to serve as the Small Business Specialist.
- b) Before making the designation, the Chief Procurement Officer shall, among other factors, consider the individual's demeanor, organizational skills, knowledge of the Treasurer's office, and awareness of the issues confronting small businesses.

## SUBPART C: PUBLICATION, SOLICITATION AND DOCUMENTATION

## Section 1400.1505 Publication

- a) Electronic Publication
 

Every solicitation for bids, proposals or responses required under this Part must be published on the Treasurer's Web Site at least 14 calendar days before the date set in the solicitation for the opening of the bids, proposals or responses. Every notice of intention to enter into a sole source contract must be published on the Treasurer's Web Site at least 14 calendar days before the award of the contract. Notices of the exercise of an option to renew a lease must be published on the Treasurer's Web Site at least 60 days prior to the exercise of the option. All other documents required to be published under this Part must be published on the Treasurer's Web Site as soon as practicable and no later than 30 days from the date on which the document was produced. There is no fee assessed for access to the page of the Treasurer's Web Site containing procurement information.

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## b) Paper Publication

All documents published on the Treasurer's Web Site must be published in a paper format and made available upon request as of the date that it is published electronically. The Treasurer's office may charge a minimal fee that does not exceed the costs of postage and copying. The fee for postage and copying will not exceed the limits established by the Treasurer's Office for Freedom of Information Act requests at 2 Ill. Adm. Code 651. The paper publication will be available for inspection free of charge at locations in Springfield and Chicago.

## c) Content of Publications

1) Solicitations. Every solicitation must include the following:

- A) the date of the solicitation;
- B) the specifications;
- C) a procurement reference number if used;
- D) the date, time, and location of any bidders' conferences;
- E) the date, time, and location for making submissions;
- F) method of source selection;
- G) name of the Chief Procurement Officer and the Treasurer; and
- H) instructions on how to obtain additional information.

2) Notices of Contract Awarded. Every notice of contract awarded must contain the following information:

- A) the name of the vendor selected for the award;
- B) a brief description of what the vendor will do or provide;
- C) the contract price;
- D) the number of unsuccessful vendors;
- E) the date the solicitation was first published;
- F) the date, time and location for making submissions that led to the contract award;

G) name of the Chief Procurement Officer and the Treasurer; and  
H) instructions on how to obtain additional information.

3) Notices of Cancellation or Rejection. The notices of cancellation of a solicitation or rejection of offers must:

- A) identify the solicitation;
  - B) briefly explain the reason for the cancellation or rejection; and
  - C) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar goods or services.
- 4) Other Publications. All other publications required by this Part must contain any and all information that is required by this Part.

## Section 1400.1510 Solicitation

In addition to publishing solicitation notices electronically and in a paper format, the Treasurer's office may directly contact prospective vendors. Direct solicitation may be oral or in writing, but care must be taken to ensure that all vendors receive the same information. At least three vendors should



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be contacted whenever possible.

## Section 1400.1515 Documentation

- a) Minutes  
Minutes of all meetings of the Procurement Review Board and bidders' conferences will be created and made available for inspection and copying.
- b) Procurement File  
All official procurement records, notices, contracts, written determinations, minutes, forms, and any other documents required under this Part must be made part of the procurement file maintained by the Chief Procurement Officer. The procurement file must be open to inspection and copying under conditions established by the Chief Procurement Officer.
- c) Contract Filing  
Filing of contracts with the Office of the Comptroller must be done in accordance with the rules promulgated by the Comptroller's office.

## SUBPART D: PROCUREMENT METHODS

## Section 1400.2005 Competitive Sealed Bidding

- a) Application  
Competitive sealed bidding is the required method of source selection except as allowed by this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) The Invitation for Bids  
  - 1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.
  - 2) Content. The Invitation for Bids must include, at a minimum, the following:
    - A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the Treasurer's office, and any other special information;
    - B) the specification, evaluation factors, delivery or performance schedule, and any inspection and acceptance requirements as are not included in the specification; and
    - C) the contract terms and conditions, including warranty, collateralization, bonding or other security requirements, as applicable.
  - 3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference if the Invitation for Bids specifies where the documents can be obtained.
  - 4) Publication and Documentation of the Invitation for Bids. The

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Invitation for Bids must be published as provided in Section 1400.1505 and made a part of the procurement file.

- c) Optional Bid Requirements
  - 1) Bid Form. The Invitation for Bids may provide a form which includes a space in which the bid price may be inserted and which the bidder must sign and submit along with all other necessary submissions.
  - 2) Bid Samples and Descriptive Literature.
    - A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.
    - B) Unsolicited bid samples or descriptive literature submitted at the bidder's risk may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the Treasurer's office.
- d) Prequalification
  - 1) The Chief Procurement Officer may require that vendors be prequalified as a condition of being placed on the bid list. Any bid lists developed will be updated by June 30 of each year. Vendors will be given an opportunity to prequalify prior to each update of the list. The opportunity to prequalify and whether prequalification will be a condition of being awarded a contract must be published as provided in Section 1400.1505.
  - 2) The fact that a prospective vendor has been prequalified does not necessarily represent a finding of responsibility for a particular procurement.
  - 3) Distribution of and responses to the solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified.
- e) Bidders' Conferences  
Bidders' conferences may be conducted to enhance understanding of the procurement requirements. The conferences must be announced to all prospective bidders known to have received an invitation for Bids. The conference may be designated as attendance mandatory or attendance optional. The conference must be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Only the written minutes of the conference are binding. Nothing stated in the bidders' conference changes the Invitation for Bids unless a change is made by written amendment to the Invitation for Bids. Minutes of the conference will be supplied upon request.
- f) Amendments to Invitations for Bids
  - 1) Form. Amendments to Invitations for Bids must be identified and must require that the bidder acknowledge receipt of all amendments issued. The amendment must reference the portions of the Invitation for Bids it amends.

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- 2) Distribution. Amendments must be sent to all prospective bidders known to have received an Invitation for Bids.
- 3) Timeliness. Amendments must be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If necessary, the Chief Procurement Officer may extend the response time in writing, or by facsimile or telephone and confirmed in writing.
- g) Pre-Opening, Modification or Withdrawal of Bids
  - 1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening. A facsimile modification or withdrawal, or withdrawal received by telephone prior to the time and date set for bid opening, will be effective if followed in writing.
  - 2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, will be returned to the bidder.
  - 3) Records. All documents relating to the modification or withdrawal of bids must be made a part of the procurement file.
- h) Receipt, Opening and Recording of Bids
  - 1) Receipt. Upon its receipt, each bid and modification must be time-stamped but not opened and must be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file must so state.
  - 2) Opening and Recording.
    - A) Bids and modifications must be opened publicly, in the presence of one or more witnesses, at the time, date, and place designated in the Invitation for Bids. The name of each bidder, the bid price, and any other information that the Chief Procurement Officer deems appropriate must be recorded.
    - B) The winning bid must be available for public inspection after award, along with the record of the other bids.
- 3) Confidential Data. The Chief Procurement Officer shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data or other information, the bid must be rejected as nonresponsive.
- i) Bid Evaluation and Award
  - 1) General. The contract is to be awarded to the lowest bid by a responsible and responsive bidder, unless otherwise permitted in this subsection (i). No bid may be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.
  - 2) Determination of Bidder as Responsible and Responsive. The Chief Procurement Officer or Purchasing Officer shall reach the determination of whether each bidder is responsible and

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- responsive. The determination must be conducted to determine whether each bid is acceptable and appropriate for further evaluation and not for the purpose of determining whether one bidder's product or service capability is superior to another. The determination shall be in writing and made part of the procurement file.
- 3) Product Quality or Service Capability. The Chief Procurement Officer or Purchasing Officer shall also evaluate and make a notation of any differences in the product quality or service capability among the responsible and responsive bidders before reaching the determination of the lowest bidder.
  - 4) Determination of Lowest Responsible and Responsive Bidder. Bids must be evaluated to determine which responsible and responsive bidder offers the lowest cost to the State in accordance with the evaluation criteria in the Invitation for Bids. Only objectively measurable criteria in the Invitation for Bids may be applied in determining the lowest bidder.
  - 5) Award. The Chief Procurement Officer or Purchasing Officer shall award the contract to the lowest responsible and responsive bidder, unless the differences in product quality or service capability suggest that the selection of another bid is in the best interest of the State.
  - 6) Price Negotiation. The Chief Procurement Officer or Purchasing Officer may negotiate with the low bidder to obtain a lower price for the item bid.
  - j) Notification, Publication and Documentation of Award
 

Following the award, a notice of contract must be provided to the successful bidder, published as provided in Section 1400.1505, and made a part of the procurement file. The notice of contract awarded must indicate if a bidder other than the lowest responsible and responsive bidder was selected and the basis for the selection.

**Section 1400.2010 Multi-Step Sealed Bidding**

- a) Description
 

Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced offers to be evaluated by the Treasurer's office, and a second phase in which those bidders whose unpriced offers are determined to be acceptable during the first phase have their price bids considered.
- b) Applicability of Requirements
 

Except for the variations described in this Section, all the requirements for competitive sealed bidding in Section 1400.2005 apply to multi-step sealed bidding.
- c) Conditions for Use
 

The multi-step sealed bidding method may be used when it is considered impracticable by the Chief Procurement Officer or Purchasing Officer



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to initially prepare a specification to support an award based on price.

- d) Procedure for Phase One of Multi-Step Sealed Bidding
- 1) Form. Multi-step sealed bidding must be initiated by the issuance of an Invitation for Bids in the form required for competitive sealed bidding by Section 1400.2005 with the addition of the following information:

- A) that unpriced offers are requested;
- B) whether priced bids are to be submitted at the same time as unpriced offers in a separate sealed envelope;
- C) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced offers are found acceptable in the first phase;
- D) the criteria to be used in the evaluation of the unpriced offers;
- E) that the Treasurer's office, to the extent the Chief Procurement Officer or Purchasing Officer finds necessary, may conduct oral or written discussions of the unpriced offers; and

- F) that the item being procured must be furnished generally in accordance with the bidder's unpriced offer as found to be finally acceptable and must meet the requirements of the Invitation for Bids.

- 2) Amendments to the Invitation for Bids. After receipt of unpriced offers, amendments to the Invitation for Bids will be distributed only to bidders who submitted unpriced offers, and they will be permitted to submit new unpriced offers or to amend those submitted. The Invitation for Bids may be cancelled in accordance with Section 1400.2520 and a new Invitation for Bids issued if, in the opinion of the Chief Procurement Officer, a contemplated amendment will significantly change the nature of the procurement.

- 3) Receipt and Handling of Unpriced Offers. Unpriced offers submitted by bidders must be opened in the presence of at least one witness. The offers must not be disclosed to unauthorized persons. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing.

- 4) Evaluation of Unpriced Offers. The unpriced offers submitted by bidders must be evaluated solely in accordance with the criteria in the Invitation for Bids. The unpriced offers must be initially categorized as:

- A) acceptable;
- B) potentially acceptable; or
- C) unacceptable, in which case the Chief Procurement Officer or Purchasing Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

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- 5) Discussion of Unpriced Offers. The Chief Procurement Officer must initiate discussion with the vendors of the unpriced offers unless, in the Chief Procurement Officer's opinion, there are sufficient acceptable unpriced offers to assure effective price competition in the second phase without discussions, in which case he or she may initiate phase two of the procedure. The Chief Procurement Officer, or his or her designee, may conduct discussions with any vendor who submits an unpriced offer that is initially categorized as acceptable or potentially acceptable. During the course of the discussions the Chief Procurement Officer, or his or her designee, must not disclose any information derived from an unpriced offer to any other bidder. The Chief Procurement Officer may permit any bidder to submit supplemental information amending its offer.

- 6) Acceptability of Potentially Acceptable Unpriced Offer. Prior to phase two, the Chief Procurement Officer or Purchasing Officer shall determine whether the unpriced offers which were initially categorized as potentially acceptable are acceptable or unacceptable.

- e) Procedure for Phase Two of Multi-Step Sealed Bidding

- 1) Unless priced bids were submitted at the same time as the unpriced offers, phase two will be conducted by distributing an Invitation for Bids to those bidders whose unpriced offers were ultimately determined to be acceptable during the first phase, requesting priced bids in accordance with the initial or a revised specification.

- 2) If priced bids were submitted at the same time as unpriced offers, the priced bids from the acceptable bidders will be opened in phase two.

## Section 1400.2015 Competitive Sealed Proposals

- a) Competitive sealed proposals may be used whenever permitted by this Part or when the Chief Procurement Officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State.

- b) The types of procurements for which the competitive sealed proposals method of source selection may be used without a written determination of the Chief Procurement Officer include the following:

- 1) electronic data processing equipment, software, and services;
- 2) telecommunications equipment, software, and services;
- 3) consulting services;
- 4) banking services; and
- 5) legal services.

- c) Generally, the Chief Procurement Officer should determine in writing that competitive sealed bidding is either not practicable or advantageous to the State, and enter into a contract by competitive sealed proposals where evaluation factors involve the relative

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abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration.

1) When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits an award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the specification, delivery or performance schedule, and all other terms and conditions of the invitation for bids.

2) When Competitive Sealed Bidding Is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding.

## d) Prequalification

The Chief Procurement Officer may require that vendors are prequalified in the manner described in Section 1400.2005 for competitive sealed bidding.

## e) Request for Proposals

1) Solicitation. Proposals must be solicited through a Request for Proposals which must be prepared in accordance with the requirements for an Invitation for Bids for competitive sealed bidding in Section 1400.2005 and contain the following additional information:

- A) A requirement that proposals are submitted in two parts. The first part should cover all items except price and the second part should cover price.
- B) A statement that discussions may be conducted with offerors who submit proposals determined to be reasonably capable of being selected for award, but that proposals may be accepted without a discussion.

C) A statement of when and how price should be submitted.

2) Publication and Documentation of the Request for Proposals. The Request for Proposals must be published as provided in Section 1400.1505 and made part of the procurement file.

## f) Receipt, Opening and Recording of Proposals

Proposals and modifications must be time-stamped upon receipt but not opened and held in a secure place until the established due date. Proposals must be opened publicly in the presence of at least one witness at the time and place designated in the Request for Proposals, but proposals must be opened in a manner to avoid disclosure of their contents to competing offerors. A record of proposals must be prepared and must be open for inspection after contract is awarded. The register of proposals must include for all proposals the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The register of proposals must be made part of the procurement file

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and be open to public inspection after award of the contract. Proposals and modifications may be shown only to personnel having a legitimate interest in them.

## g) Evaluation of Proposals

1) Evaluation Factors in the Request for Proposals. The Request for Proposals must state all of the evaluation factors, including price, and their relative importance.

2) Evaluation. The evaluation must be based on the evaluation factors in the Request for Proposals. Factors not specified in the Request for Proposals must not be considered. Numerical rating systems may be used but are not required. The first part of all proposals covering items other than price must be evaluated and ranked independently of the second part of all proposals.

3) Classifying Proposals. For the purpose of conducting discussions, proposals must be initially classified as:

- A) acceptable;
- B) potentially acceptable; or
- C) unacceptable, in which case the Chief Procurement Officer or Purchasing Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

## h) Proposal Discussions with Individual Offerors

1) Offerors that are classified as acceptable or potentially acceptable must be given a fair and equal opportunity to discuss their proposals.

2) Purposes of Discussions. Discussions are held to:

- A) promote understanding of the Treasurer's office requirements and the offerors' proposals; and
- B) facilitate arriving at a contract that is most advantageous to the State taking into consideration price and the other evaluation factors in the Request for Proposals.

3) Clarification of the Request for Proposals. If during discussions there is a need for any substantial clarification of, or change in, the Request for Proposals, the Request for Proposals must be amended to incorporate the clarification or change. Any substantial oral clarification of a proposal must be reduced to writing by the offeror.

4) Best and Final Offers. The Chief Procurement Officer may request Best and Final Offers with a common date and time for submission of the offers. The Chief Procurement Officer, or his or her designee, may conduct additional discussions or change the Treasurer's office requirements and require another submission of best and final offers. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.

5) Disclosure of Information. In conducting discussions there must



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be no disclosure of any information derived from proposals submitted by competing offerors. Any other information that is disclosed to any offeror must be provided to all competing offerors.

## i) Award

1) Determination. The award must be made by the Chief Procurement Officer or Purchasing Officer in accordance with a written determination showing the basis on which the award was found to be the most advantageous to the State, based on the Request for proposals.

2) Notification, Publication and Documentation of the Award. The successful offeror will be promptly notified of the award. The notification of the award and the written determination must be published as provided in Section 1400.1505 and made part of the procurement file.

## Section 1400.2020 Small Purchases

## a) Application

Any individual procurement of supplies that does not exceed \$10,000 or any individual procurement of professional or artistic services for a nonrenewable term of less than one year that does not exceed \$20,000, may, at the discretion of the Chief Procurement Officer, be made without notice, competition, publication, or use of any prescribed method of source selection.

## b) Adjustment

Each July 1, the small purchase maximum established in subsection (a) will be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100.

c) In determining whether a contract is under the limit, the value of the contract for the full term and any optional renewals, as well as the stated value of the goods or services plus any optional goods and services, must be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount must be calculated for a twelve-month period.

d) Procurement requirements must not be artificially divided to avoid using one of the other source selection methods described in this Part.

e) If, after signing the contract, the actual need is determined to be more than the limits provided in this Section, and the Chief Procurement Officer determines that repurchase is not appropriate, the Chief Procurement Officer may follow the procedures for sole source or emergency procurement, if applicable, to obtain the additional supplies or services.

## Section 1400.2025 Sole Source Procurements

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## a) Application

The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) that is above the limit for small purchases in Section 1400.2020 and does not qualify as an emergency procurement as defined in Section 1400.2030.

## b) Conditions for Use of Sole Source Procurement

Sole source procurement is permissible when a good or service is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item.

c) Changes to existing contracts germane to the original contract, which are necessary or desirable to complete the project, and which can be best accomplished by the contract holder, may be procured under this provision.

d) The determination as to whether a procurement may be made as a sole source must be made by the Chief Procurement Officer in writing and must include an explanation of why no other source would be suitable or acceptable. The determination must be made part of the procurement file. The Chief Procurement Officer shall also specify the application of the determination and the duration of its effectiveness.

e) The Chief Procurement Officer shall, having defined a sole economically feasible source, issue a notice of intent to utilize the sole source method of procurement that sets forth a description of the item to be procured and the intended sole source contractor. A notice containing the following information must be published as provided in Section 1400.1505:

- 1) name of the Chief Procurement Officer or Purchasing Officer, who performed the sole source procurement;
- 2) name of the vendor;
- 3) brief description of what the vendor will do or provide;
- 4) contract price; and
- 5) reason why the vendor was determined to be the sole economically feasible source.

f) If there is no challenge to the Chief Procurement Officer's determination or if the Chief Procurement Officer is convinced that the sole source designation is appropriate after considering that challenge, the contract will be executed on the scheduled date. If a challenge is received that convinces the Chief Procurement Officer that the sole source designation is not appropriate, the Chief Procurement Officer or Purchasing Officer shall commence a competitive method of procurement unless an emergency situation exists.

## g) Negotiation in Sole Source Procurement

The Chief Procurement Officer or Purchasing Officer shall conduct negotiations in an effort to obtain the most favorable price, delivery and other terms and conditions available for the State.

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- h) Maintenance of Record  
The Chief Procurement Officer or Purchasing Officer shall maintain a record of sole source procurements in the procurement file showing:
- 1) the vendor's name;
  - 2) the amount and type of the contract; and
  - 3) a listing of the goods or services procured under each contract.

**Section 1400.2030 Emergency Procurements**

- a) Applications  
The provisions of this Section apply to every procurement over the small purchase limit set in Section 1400.2020 that the Chief Procurement Officer determines is necessary under the following circumstances:
- 1) public health or safety, including if the health or safety of any particular person, is threatened;
  - 2) repairs are needed to State property to protect against further loss or damage to State property, or to prevent loss or damage to State property;
  - 3) action is needed to prevent or minimize serious disruption in the operation of the Treasurer's Office;
  - 4) action is needed to ensure the integrity of State records;
  - 5) a supplier of needed goods or services makes an announcement that gives the Chief Procurement Officer reason to determine that making a purchase immediately is in the State's best interest, including but not limited to an announcement of bankruptcy, going out of business, or loss of franchise;
  - 6) commodity items are available on the spot at prices that are favorable enough that good business judgment mandates a purchase;
  - 7) legal services to assist the Treasurer's office in the formulation of policy, in drafting or evaluating documents, or in determining the extent of statutory authority are needed more quickly than an alternative method of procurement under this Part would allow;
  - 8) escrow agent services for general obligation bonds and procurements for escrow agent services and registrar and paying agent services for college savings bonds are needed more quickly than an alternative method of procurement under this Part would allow; or
  - 9) bids or proposals received in accordance with a competitive sealed bid or competitive sealed proposal method are unreasonable, noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals.
- b) Scope of Emergency Conditions  
Emergency procurements must be limited to those supplies, services, or construction items necessary to meet the emergency.
- c) Authority to Make Emergency Procurements

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The Chief Procurement Officer or Purchasing Officer may make emergency procurements when the need cannot be met through normal procurement methods, but, whenever practicable, existing contracts must be utilized, and, whenever practicable, approval by the Chief Procurement Officer must be obtained prior to the procurement.

- d) Source Selection Methods  
Any method of source selection, whether identified in this Part or not, may be used to conduct the emergency procurement. The procedure used must be selected to assure that the required supplies, services, or construction items are procured in time to meet the emergency. As much competition as is practicable must be obtained.
- e) Filing with the Auditor General  
The Chief Procurement Officer or Purchasing Officer shall file an affidavit with the Auditor General within 10 days after making an emergency procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available, the estimate should be provided in the affidavit and the actual cost must be reported immediately after it is determined.
- f) Determination, Record and Publication of Emergency Procurements  
1) Determination. The Chief Procurement Officer or Purchasing Officer shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor.
- 2) Record. A record of each emergency procurement must be made as soon as practicable and must include the following information:
- A) the vendor's name;
  - B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record must be supplemented with the final amount once known);
  - C) a description of what the vendor will do or provide;
  - D) the reasons for using the emergency procurement method of source selection;
  - E) the name of the Chief Procurement Officer or Purchasing Officer.
- 3) The written determination and the record of the emergency procurement must be made part of the procurement file and must be published as provided in Section 1400.1505 of this Part.

**Section 1400.2035 Procurement of Professional and Artistic Services**

- a) The provisions of this Section apply to every procurement of professional and artistic services with the exception of the following:
- 1) sole source procurements;
  - 2) emergency procurements; and
  - 3) any procurement of professional and artistic services less than



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\$20,000 for a nonrenewable term of less than one year that the Chief Procurement Officer determines, in a writing that contains a brief explanation and is published as provided in Section 1400.1505, should be procured as a small purchase in accordance with Section 1400.2020.

- b) Forms
- The Chief Procurement Officer shall develop forms for use in the solicitation, review, and acceptance of all professional and artistic services. The following details must be included among the forms:
- 1) a description of the goal to be achieved;
  - 2) the services to be performed;
  - 3) the need for the service;
  - 4) the qualifications that are necessary; and
  - 5) a plan for post-performance review.
- The forms must be published as provided in Section 1400.1505.
- c) Contract Requirements
- Contracts must contain at least the following information:
- 1) the details listed in subsection (b);
  - 2) the duration of the contract, with a schedule of services, if applicable;
  - 3) the method for charging and measuring cost;
  - 4) the rate of remuneration;
  - 5) the maximum price; and
  - 6) any provisions that are required by the Chief Legal Counsel.
- d) Written Determinations Required Prior to Request for Proposals
- Prior to announcing the need for professional or artistic services, the Chief Procurement Officer or Purchasing Officer shall make a written determination that explains the nature of the services and how the Chief Procurement Officer or Purchasing Officer reached the determination that the services are professional or artistic. The written determination must be made part of the procurement file.

e) Prequalification

The Chief Procurement Officer may maintain a list of prequalified professional and artistic vendors. Vendors seeking to be added to the list shall submit a statement of qualifications in the following format:

- 1) the name of the vendor, the location of the vendor's principal place of business and any other locations that may be used to perform a contract with the Treasurer's office;
- 2) educational qualifications and licenses;
- 3) general background and experience;
- 4) a listing and description of government contracts, including contracts with the Treasurer's office;
- 5) resumes of the persons who will be responsible for performance of any contract awarded;
- 6) statement of compliance with all State of Illinois requirements; and
- 7) any additional relevant information.

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Vendors may amend statements of qualifications at any time by filing a new statement.

- f) Request for Proposals
- The Request for Proposals must be drafted or approved by the Chief Procurement Officer and must contain at least the following information:
- A) the type and scope of services required;
  - B) a date by which proposals for the performance of the services must be submitted;
  - C) the type of information and data required of each offeror;
  - D) how the price should be presented;
  - E) the factors to be used in the evaluation and selection process and their relative importance; and
  - F) when practicable, a draft contract with a notice to the vendors that by submitting a response they are consenting to the terms and conditions of the draft agreement and agree to be bound by a final agreement that is substantially similar to the draft.
- 2) Evaluation. Proposals must be evaluated only on the basis of evaluation factors stated in the Request for Proposals. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:
- A) the plan for performing the required services;
  - B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
  - C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and
  - D) a record of past performance of similar work.
- 3) Publication and Filing. The Request for Proposal must be published as provided in Section 1400.1505 and must be made part of the procurement file.
- g) Bidders' Conferences
- Bidders' conferences may be conducted to enhance understanding of the procurement requirements. They must be announced to all prospective proposers known to have received a Request for Proposal. The conference may be designated as attendance mandatory or attendance optional. The conference should be held long enough after the Request for Proposals has been issued to allow proposers to become familiar with it, but sufficiently before the opening of proposals to allow consideration of the conference results in preparing their proposals. Only the written minutes of the conference are binding. Nothing stated in the bidders' conference changes the Request for Proposals unless a change is made by written amendment to the Request for Proposals. Minutes of the conference must be supplied upon request.

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- h) Amendments to Requests for Proposals
- 1) Form. Amendments to Requests for Proposals must be identified and must require that the proposer acknowledge receipt of all amendments issued. The amendment must reference the portions of the Request for Proposals it amends.
  - 2) Distribution. Amendments must be sent to all prospective proposers known to have received a Request for Proposal.
  - 3) Timeliness. Amendments must be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If necessary, the Chief Procurement Officer may extend the response time in writing, or by facsimile or telephone and confirmed in the amendment.
- i) Receipt and Handling of Proposals
- Proposals and modifications must be sent to the Chief Procurement Officer where they must be time-stamped upon receipt but not opened and held in a secure place until the established due date and time, at which time they will be opened by the Chief Procurement Officer. Proposals must not be opened publicly nor disclosed to unauthorized persons and must be opened in the presence of at least one witness. A record of proposals that includes the following must be established for all proposals: the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the services offered. The register of proposals must be open to public inspection only after award of the contract and must be made part of the procurement file at that time. To the extent permitted by the contract entered into with the vendor, the successful proposal must be available for inspection by the public; however, proposals of offerors who are not awarded the contract must not be open to public inspection.
- j) Request for Nondisclosure of Data
- If the offeror selected for award has requested in writing the nondisclosure of trade secrets and other proprietary data so identified, the Chief Procurement Officer shall examine the request in the proposal to determine its validity prior to entering into negotiations with the offeror. If the parties do not agree as to the disclosure of data in the contract, the Chief Procurement Officer may reject the proposal.
- k) Discussions
- 1) Discussions Permissible. The Chief Procurement Officer or Purchasing Officer shall evaluate all proposals submitted and may conduct discussions with any proposer. The purposes of the discussions are to:
    - A) determine in greater detail the proposer's qualifications; and
    - B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach.

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- 2) No Disclosure of Information. No information derived from proposals submitted by an offeror may be disclosed to any other proposer.
  - 3) Best and Final Offers. The Chief Procurement Officer may request best and final offers with a common date and time for submission of the proposals. The Chief Procurement Officer may conduct additional discussions or change the specifications or other contract requirements and require another submission of best and final proposals. If a proposer does not submit either a notice of withdrawal or another best and final offer, the proposer's immediate previous proposal will be construed as its best and final proposal.
- 1) Negotiation and Award of Contract
- 1) General. The Chief Procurement Officer or Purchasing Officer shall negotiate a contract with the best qualified proposer, based on the evaluation factors in the request for proposals, for the required services at compensation determined in writing to be fair and reasonable.
  - 2) Successful Negotiation of Contract with Best-Qualified Proposer. If compensation, contract requirements, and contract documents can be agreed upon with the best-qualified proposer, the contract must be awarded to that proposer, unless the procurement is cancelled.
  - 3) Failure to Negotiate Contract with Best-Qualified Offeror.
    - A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified proposer, a written record stating the reasons must be made part of the procurement file and the Chief Procurement Officer or Purchasing Officer shall advise that proposer of the termination of negotiations.
    - B) Upon failure to negotiate a contract with the best-qualified offeror, the Chief Procurement Officer or Purchasing Officer may enter into negotiations with the next most qualified offeror.
  - 4) Ranking by Price. For contracts with annualized value that exceeds \$25,000, evaluation and ranking by price are required. The Chief Procurement Officer may, with the Treasurer's approval, select an offeror other than the offeror with the most favorable price, if the Chief Procurement Officer explains in a written decision why another offeror was selected. A copy of the decision must be forwarded to the Chief of Staff for review. The written decision must be made part of the contract and published as provided in Section 1400.1505.
  - 5) Notice of Award. Written notice of award must be promptly provided to the successful offeror, published as provided in Section 1400.1505 and made a part of the procurement file. The notice must provide, at a minimum, the following:
    - A) the name of the Chief Procurement Officer or Purchasing



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Officer;

- B) the successful vendor;
- C) a contract reference number or other identifier; and
- D) the value of the contract.

**Section 1400.2040 Procurement of Real Property Leases**

## a) Applicability

This Section applies to all leases for real property, including office and storage space, buildings, and other facilities for the Treasurer's office, with the exception of the following:

- 1) property of less than 10,000 square feet;
- 2) rent of less than \$100,000 per year;
- 3) nonrenewable leases with a duration of less than one year;
- 4) specialized space available at only one location; or
- 5) renewal of extension of any lease in effect before July 1, 1998 if:

- A) the Chief Procurement Officer determines in writing that the renewal or extension is in the best interest of the State;
- B) the Chief Procurement Officer submits his or her written determination and the renewal or extension to the Procurement Review Board;
- C) the Procurement Review Board does not object in writing to the renewal or extension within 30 days after its submission; and
- D) the Chief Procurement Officer publishes the renewal or extension as provided in Section 1400.1505.

## b) Request for Information

Except as otherwise provided in this Section, all contracts for leases of real property must be awarded by the following Request for Information process. The Request for Information must include the following:

- 1) the type of property to be leased;
- 2) the proposed uses of the property;
- 3) the duration of the lease;
- 4) the preferred location of the property; and
- 5) a general description of the configuration desired.

## c) Publication of Notice

Notice of the Request for Information must be published as provided in Section 1400.1505 and must also be published in a newspaper of general circulation in the community or communities where the Treasurer's office is seeking space.

## d) Evaluation of Responses

The evaluation must be based on price and the ability of the respondent to meet the criteria in the Request for Information.

- e) Negotiations with Individual Offerors
  - 1) For the purpose of conducting negotiations, proposals must be initially classified as:

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A) acceptable;

- B) potentially acceptable; or
- C) unacceptable, in which case the Chief Procurement Officer or Purchasing Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

- 2) Negotiations will be entered into with respondents who are classified as acceptable or potentially acceptable for the purpose of securing a lease that is in the best interest of the State.

- 3) A written determination of the acceptability of each respondent and a report of the negotiations will be retained in the procurement file and will include the reasons for the final selection.

## f) Award

The lease will be awarded to the respondent that the Chief Procurement Officer deems to be most capable of meeting the needs of the Treasurer's office. The notice of award must be promptly provided to the successful respondent and must be published as provided in Section 1400.1505. When the lowest proposer by price is not selected, the Chief Procurement Officer shall issue a written explanation for the selection of another proposer. The written explanation must also be published as provided in Section 1400.1505.

## g) Lease Agreements

- 1) All leases must be in writing and approved by the Chief Legal Counsel.

## 2) Length of Leases.

- A) Term. All leases must be for a term that does not exceed 10 years and must include a termination option in favor of the Treasurer's office after five years.

- B) Renewal. Leases may include a renewal option if the leases and any renewals do not exceed a 10-year term. An option to renew may be exercised only when the Chief Procurement Officer determines in writing that renewal is in the best interest of the State and notice of the exercise of the option is published as provided in Section 1400.1505.

## h) Purchase Option

Initial leases of all space in entire, free-standing buildings must include an option to purchase exercisable by the State, unless the Chief Procurement Officer determines that inclusion of a purchase option is not in the State's best interest and publishes that determination as provided in Section 1400.1505.

## i) Rent Without Occupancy

Except when deemed by the Procurement Review Board to be in the best interest of the State, the Treasurer's office may not incur rental obligations before occupying the space rented.

## j) Local Site Preference

The Chief Procurement Officer may, in his or her discretion, give

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leasing preferences to sites located in enterprise zones, tax increment financing districts or redevelopment districts.

**Section 1400.2045 Other Methods of Source Selection**

- a) CMS Warehouses
 

Prior to any equipment procurement, the Treasurer's office should consider property available from the State and Federal Surplus Warehouses that are under the jurisdiction CMS.
- b) State Agencies and Other Governmental Units
 

Various goods and services are available from State agencies and other governmental units. These may be procured without notice and competition.
- c) Auction
 

Purchases may be made at an auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable will be the amount bid and accepted plus any required buyer's premium.
- d) Donations
 

With approval of the Chief Procurement Officer, if the Treasurer's office receives a donation that provides the majority of the funding for a particular project, it may follow any procurement or contracting requirements established as a condition of the donation, but must follow this Part whenever practicable.

## SUBPART E: GENERAL PROCUREMENT GUIDELINES

**Section 1400.2505 General Provisions**

- a) Late Bids, Proposals, Responses, Withdrawals and Modifications
  - 1) Definition. Any bid, proposal or response received after the time, date and place set for receipt is late. Any withdrawal or modification of a bid, proposal or response received after the time and date set for opening of bids, proposals or responses at the place designated for opening is late.
  - 2) Treatment. No late bid, proposal or response, modification, or withdrawal will be considered unless it is received before contract award, and the bid, proposal, response, modification, or withdrawal would have been timely but for the action or inaction of Treasurer's office personnel.
  - 3) Records. Records must be made and kept for each late bid proposal, response, modification, or withdrawal.
  - 4) Any other submission that has a time or date deadline must be treated in the same manner as a late bid, proposal or response.
- b) Extension of Time
  - 1) The date or time for submitting a bid, proposal, response, modification or withdrawal may be extended by the Chief Procurement Officer prior to the date or time for the convenience

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- 2) of the Treasurer's office.
 

After opening bids, proposals, or responses the Chief Procurement Officer may request that the offerors extend the time during which the State may accept their bids, proposals, or responses if, with regard to bids, no other change is permitted. The reasons for requesting the extension must be documented.
- c) Electronic and Facsimile Submissions
  - 1) The Invitation for Bids, Request for Proposals, or Request for Information may state that electronic and facsimile submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the Invitation for Bids, Request for Proposals or Request for Information.
  - 2) Electronic submissions will be opened in accordance with electronic security measures in effect at the time of opening. Unless the electronic submission procedures provide for a secure receipt, the vendors assume the risk of premature disclosure due to submission in unsealed form.
  - 3) Facsimile submissions must be placed in a sealed container upon receipt and opened as other submissions. The vendors assume the risk of premature disclosure due to submission in unsealed form.
- d) Intent to Submit
 

The Invitation for Bids, Request for Proposals, or Request for Information may require that vendors submit, by a certain time and date, a notice of their intent to submit a bid, proposal, or response. Bids, proposals, and responses submitted without complying with the notice of intent requirement will be rejected.
- e) Only One Bid, Proposal or Response Received
 

If only one responsive bid, proposal, or response is received, an award may be made to the single offeror if the Chief Procurement Officer finds that the price submitted is fair and reasonable, and that either other prospective offerors had a reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:

  - 1) new bids, proposals or responses may be solicited;
  - 2) the procurement may be cancelled; or
  - 3) if the Chief Procurement Officer determines in writing that the need for the supply or service continues, but that:
    - A) after attempting to negotiate a better price, the one offer is not fair and reasonable and there is no time for resolicitation;
    - B) the vendor is not responsible; or
    - C) resolicitation would likely be futile,

the procurement may be conducted with any vendor as a sole source procurement under Section 1400.2025 or as an emergency procurement under Section 1400.2030, as appropriate.
- f) Unsolicited Offers
  - 1) Defined. An unsolicited offer is any offer other than one submitted in response to a solicitation.



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- 2) Conditions for Consideration. An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.
- 3) Evaluation. The unsolicited offer will be evaluated to determine its utility to the State and whether it would be to the State's advantage to enter into a contract based on the offer. An unsolicited offer that meets the requirements of subsection (f)(2) above may be considered for award if the procurement also meets the requirements of Section 1400.2020 for small purchases or Section 1400.2025 for sole source procurements, in which case those procedures must be followed as applicable.
- 4) Confidentiality. Any request for confidentiality of data contained in an unsolicited offer must be made in writing. If an award is made, confidentiality of data must be agreed upon by the parties and governed by the provisions of the contract. If agreement cannot be reached on confidentiality, the Chief Procurement Officer or Purchasing Officer shall reject the unsolicited offer.
- g) Clarification of Bids, Proposals and Responses  
The Chief Procurement Officer or Purchasing Officer may request that a vendor clarify its bid, proposal or response as a part of the evaluation process. A vendor is not allowed to change its bid, proposal or response in response to a request for clarification without the written approval of the Chief Procurement Officer.
- h) Extension of Time on Indefinite Quantity Contracts  
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Chief Procurement Officer determines in writing that it is not practicable to award another contract at the time of the extension.
- i) Increase in Quantity on Definite Quantity Contracts  
The quantity that may be ordered from a definite quantity contract may be increased by up to 20% provided the Chief Procurement Officer or Purchasing Officer determines that separate procurement of the additional quantity is not likely to achieve lower pricing. The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the small purchase threshold applicable to the type of good or service.
- j) Novation or Change of Name  
1) Assignment. No State contract is transferable, or otherwise assignable without the written consent of the Chief Procurement Officer, but a vendor may assign monies receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee that meets all requirements for contracting with the State.
- 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be

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- recognized in a novation agreement in which the transferor and the transferee must agree that:
- A) the transferee assumes all of the transferor's obligations;
  - B) the transferee meets all requirements for contracting with the State;
  - C) the transferor waives all rights under the contract as against the State; and
  - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.
- 3) Change of Name. When a vendor requests to change the name in which it holds a contract with the State, the Chief Procurement Officer shall, upon receipt of a document indicating the change of name, enter into an agreement with the requesting vendor to effect the change of name. The agreement changing the name must specifically indicate that no other terms and conditions of the contract are changed.
  - k) Contracting for Installment Purchase Payments, Including Interest  
Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate shall not exceed that established by law.
- Section 1400.2510 Tie Bids and Proposals**
- a) Tie bids and proposals are those from responsive and responsible vendors that are identical in price or terms of the proposal.
  - b) Tie bids and proposals are treated as follows:
    - 1) If the tied vendors include an Illinois resident vendor and a non-resident vendor, the Illinois resident vendor is given the award. "Illinois resident vendor" has the meaning given in Section 1400.4510. In all other situations, the decision is made in accordance with subsections (b)(2) through (b)(5).
    - 2) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award is made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State may be given additional consideration in determining responsibility if the Chief Procurement Officer or Purchasing Officer determines that dealing with a vendor that has knowledge of State requirements, contracts, job sites, payment practices and other similar factors, and with which there has been favorable past experience, increases the likelihood of successful performance.
    - 3) If there is no significant difference in responsibility, but there is a difference in the quality of the goods or services offered, the vendor offering the best quality is accepted.
    - 4) If there is no significant difference in responsibility and no difference in quality of the goods or services offered, the

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vendor offering the earliest delivery time is accepted in any case in which the solicitation specified that the needs of the Treasurer's office require as early delivery as possible.

- 5) If the bids or proposals are equal in every respect, the award is made by lot unless the Chief Procurement Officer determines that splitting the award among two or more of the tied bidders or proposers is in the best interest of the State. Awards may be split if all affected bidders or proposers agree, if splitting is feasible given the type of good or service requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.

## c) Record

Records must be made of all procurements on which tie bids or proposals are received and must be published as provided in Section 1400.1505, showing at least the following information:

- 1) the identification number of the solicitation;
  - 2) the good or service; and
  - 3) a listing of all the bidders or proposers and the prices submitted.
- 4) The records must be made part of the procurement file.

## Section 1400.2515 Correction or Withdrawal of Proposals

## a) General

Corrections to bids, proposals or responses are allowed, but only to the extent correction is not prejudicial to the interest of the State or fair competition as determined by the Chief Procurement Officer or Purchasing Officer. Withdrawals of proposals are allowed as provided in this Section.

## b) Mistakes Discovered Before Opening

A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.

## c) Confirmation of Mistake

When the Chief Procurement Officer or Purchasing Officer knows or has reason to conclude that a mistake has been made, the officer should request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake in the bid, proposal or response, it may be corrected or withdrawn if the conditions in this Section, as applicable, are met.

## d) Mistakes Discovered After Opening but Before Award

- 1) Minor Mistakes. A minor mistake is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid, proposal or response from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State. The Chief Procurement Officer or Purchasing Officer shall waive minor

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mistakes or allow the offeror to correct them depending on which is in the best interest of the State. Minor mistakes include insignificant mistakes where the effect on price, quantity, quality, delivery, or contractual conditions is negligible. Examples of minor mistakes as to form include the failure of an offeror to:

- A) return the number of signed bids, proposals, or responses required by the solicitation;
- B) sign the bid, proposal or response, but only if the unsigned bid, proposal or response is accompanied by other material indicating the offeror's intent to be bound, including but not limited to signature on an auxiliary form, submission of a guarantee or submission of a signed transmittal letter; or
- C) acknowledge receipt of an amendment to the solicitation, but only if:

- i) it is clear from the bid, proposal or response that the offeror received the amendment and intended to be bound by its terms; or
- ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.

- 2) Corrections of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:

- A) the mistake and the intended correct offer are clearly evident on the face of the bid, proposal or response, in which event the offer may not be withdrawn; or
- B) the mistake is not clearly evident on the face of the bid, proposal or response, but the offeror submits adequate proof which clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and that correcting the mistake would not be contrary to the fair and equal treatment of other offerors.

- 3) Withdrawal of Bids, Proposals or Responses. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the bid, proposal or response if:

- A) the mistake is clearly evident on the face of the proposal and the intended correct offer is not;
- B) the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or
- C) the offeror submits adequate proof that clearly and convincingly demonstrates the intended offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.

## e) Determinations Required

When a proposal is corrected or withdrawn, or correction or withdrawal



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is denied, the Chief Procurement Officer or Purchasing Officer shall prepare a written determination documenting that relief was granted or denied in accordance with this Part.

## Section 1400.2520 Cancellation of Solicitations and Rejection of Offers

- a) Scope of this Section  
The provisions of this Section govern the cancellation of any Invitation for Bids, Request for Proposals, Request for Information or any other solicitation issued by the Treasurer's office and the rejection of any or all bids, proposals or responses in whole or in part.
- b) Policy  
Any solicitation may be cancelled without penalty, and any or all bids, proposals or responses may be rejected in whole or in part, when the Chief Procurement Officer or Purchasing Officer determines in writing that cancellation is in the State's best interest.
- c) Notice, Publication and Documentation  
When a solicitation is cancelled or the offers are rejected, notice of the cancellation or rejection will be promptly provided to all affected vendors, published as provided in Section 1400.1505, and made part of the procurement file.

## SUBPART F: SPECIFICATIONS AND SECURITY REQUIREMENTS

## Section 1400.3005 Specifications

- a) The Chief Procurement Officer's Responsibilities Regarding Specifications  
The Chief Procurement Officer shall write or authorize the writing of all specifications. A Purchasing Officer may write specifications for procurements for the Treasurer's office, subject to approval of the Chief Procurement Officer.
- b) Specifications Prepared by Other Than State Personnel  
1) Specifications may be prepared by other than Treasurer's office personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts. Contracts for the preparation of specifications by other than State personnel must require the specification writer to adhere to State requirements.
- 2) The person who prepared the specifications may not submit a bid or proposal to meet the procurement need unless the Chief Procurement Officer determines in writing that it would be in the best interest to accept a bid or proposal from that person and a notice to that effect is published as provided in Section 1400.1505.
- c) Procedures for the Development of Specifications  
1) All procurements must be based on specifications that accurately

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reflect the State's needs. Specifications must clearly and precisely describe the salient technical or performance requirements.

- 2) Specifications must not include restrictions that do not significantly affect the technical requirements or performance requirements, or other legitimate State needs. All specifications must be written in a manner that describes the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.
- 3) Any specifications or standards adopted by business, industry, a not-for-profit organization or governmental unit may be adopted by reference.
- 4) A specification may provide alternate descriptions where two or more design, functional, or performance criteria will satisfactorily meet the State's requirements.
- d) Brand Name or Equal Specification  
1) Brand name or equal specifications may be used when the Chief Procurement Officer or Purchasing Officer determines in writing that:
  - A) time does not permit the preparation of another form of specification, not including a brand name specification;
  - B) the nature of the product or the nature of the requirement makes use of a brand name or equal specification suitable for the procurement; or
  - C) use of a brand name or equal specification is in the State's best interest.
- 2) Brand name or equal specifications must seek to designate more than one brand as "or equal", and must further state that substantially equivalent products to those designated will be considered for award.
- 3) Required Characteristics. Unless the Chief Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications must include a description of the particular design, functional, or performance characteristics that are required.
- 4) Nonrestrictive Use of Brand Name or Equal Specifications. When a brand name or equal specification is used in a solicitation, the solicitation must contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. The burden of proof that a product is equal is on the offeror.
- e) Brand Name Only Specification

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- 1) Use. A brand name only specification may be used only when the Chief Procurement Officer makes a written determination that is made part of the procurement file that only the identified brand name item or items will satisfy the State's needs.
- 2) Competition. The Chief Procurement Officer or Purchasing Officer shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit those sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement must be made as a sole source procurement.

## Section 1400.3010 Security Requirements

- a) The Chief Procurement Officer may require that a vendor furnish bid, proposal, or performance security on any contract.
- b) Security, unless otherwise specified, may be in the form of cashier's check, certified check, money order, irrevocable letter of credit, or bond. Any bond must be issued by a surety company authorized to do business in the State of Illinois.
- c) Unless the amount is set by law, the Chief Procurement Officer shall determine the amount, in dollars or percentage of contract price, that adequately protects the State's interests.
- d) A vendor may be required to furnish up to 100% performance security at any time during contract performance and at its cost, if it appears that delivery or production schedules cannot be met, quality is poor, responsibility is questioned and for other similar reasons.
- e) The Treasurer's office may require a bid or proposal security or a performance security on any contract.
- f) A vendor may submit a single or continuous security each year that will be applicable on all contracts of the Treasurer's office. When a security is obligated in an amount equal to the sum of accumulated security requirements, additional security must be submitted for any new contract awarded.
- g) Bid or proposal security will be returned to unsuccessful vendors as soon after award as possible. The bid or proposal security of the successful vendor will be returned after contracts have been signed and performance security, if any, submitted. Performance security will be returned upon full performance.

## SUBPART G: CONTRACTS

## Section 1400.3505 Types of Contracts

- a) General  
The Chief Legal Counsel shall determine the general form of all contracts. Subject to the limitations of this Section, the Chief Legal Counsel may use any type of contract that promotes the best interest of the State.

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- b) Prohibitions and Limitation  
Cost-plus-a-percentage-of-cost contracts are prohibited. Cost-reimbursement contracts may only be used when the Chief Procurement Officer makes a written determination that a cost-reimbursement contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the item except under that type of contract.

## Section 1400.3510 Duration of Contracts

- a) General
  - 1) A multi-year contract for a term up to ten years is authorized when it is in the best interest of the State.
  - 2) A license agreement or other agreement may have a term longer than 10 years, including a perpetual term, provided the payment term is limited to no more than ten years.
- b) The contractual obligation of the Treasurer's office in each fiscal period after the period in which a contract is executed is subject to appropriation and availability of funds for the obligation. Every contract that extends beyond the fiscal year that the contract is awarded must provide that, in the event that funds are not available for any subsequent fiscal period, the remainder of the contract may be cancelled by the State without penalty to or further payment being required by the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.
- c) Conditions for Use of Multi-year Contracts
  - A multi-year contract may be used when:
    - 1) special production of definite quantities or the furnishing of long-term services are required to meet State needs; or
    - 2) it is determined by the Chief Procurement Officer that a multi-year contract will serve the best interest of the State by encouraging effective competition or otherwise promoting economies in State procurement. The following factors must be considered by the Chief Procurement Officer before making the determination:
      - A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion and will be encouraged to participate in the competition when they are assured of recouping the costs during the period of contract performance;
      - B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;
      - C) stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; or



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D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

## d) Multi-year Contract Procedure

The solicitation must state:

- 1) the proposed term;
- 2) the amount of supplies or services required for the proposed contract period;
- 3) whether offerors may submit prices for:
  - A) the first fiscal period only;
  - B) the entire time of performance only; or
  - C) both the first fiscal period and the entire time of performance.
- 4) that a multi-year contract may be awarded and how award will be determined.

## e) Renewals

- 1) Where the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement activity, provided the initial term and the exercised renewals may not exceed 10 years and the option is reserved solely to the State.
- 2) Where the original procurement was silent as to renewals, further procurement activity is required.

## Section 1400.3515 Contract Pricing

Unless otherwise allowed by the solicitation, prices quoted will be all-inclusive covering transportation, transit insurance, delivery, installation, taxes, and any other costs.

## Section 1400.3520 Contract Provisions

## a) Mandatory Provisions

The following provisions are required for all contracts entered into by the Treasurer's office, in addition to the requirements of State and federal law and the regulations of the Office of the Comptroller:

- 1) Subcontractors. Any contract granted hereunder must state whether the services of a subcontractor will be used. The contract must include the names and addresses of all subcontractors and the expected amount of money each will receive under the contract. The contractor will be required to get approval from the Chief Procurement Officer prior to adding or changing subcontractors.
- 2) Subject to Appropriation. All leases must recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease.
- 3) Right to Audit Books and Records.
  - A) Maintenance of books and records. Every contract and

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subcontract must require the contractor or subcontractor, as applicable, to maintain books and records relating to the performance of the contract or subcontract and necessary to support amounts charged to the State under the contract or subcontract. The books and records must be maintained by the contractor or subcontractor for a period of 3 years from the later of the date of final payment under the contract or completion of the contract or subcontract and the 3-year period must be extended for the duration of any audit in progress at the time of that period's expiration.

- B) Audit. Every contract and subcontract must provide that all books and records required to be maintained under subsection (a) must be available for review and audit by the Auditor General and the Treasurer's office. Every contract and subcontract must require the contractor and subcontractor, as applicable, to cooperate fully with any audit.

## b) Optional Provision

Any contract entered into by the Treasurer's office under this Part may contain a clause requiring that if more favorable terms are granted by the contractor to any similar governmental agency in any state in a contemporaneous agreement let under the same or similar financial terms and circumstances for comparable supplies or services, the more favorable terms will be applicable under the contract.

## Section 1400.3525 Prevailing Wage Requirements

## a) Applicability

All services, as defined in subsection (b), furnished under service contracts of \$2,000 or more or \$200 or more per month and under printing contracts are subject to the following prevailing wage requirements:

- 1) Not less than the general prevailing wage rate of hourly wages for work of a similar character in the locality in which the work is produced may be paid by the successful vendor to its employees who perform the work on the State contracts. The offeror, in order to be considered to be a responsible offeror for the purposes of this Part, must certify to the Treasurer's office that wages to be paid to its employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the contract is to be performed. Prevailing wages and working conditions are determined by the Director of the Illinois Department of Labor.
- 2) Whenever a collective bargaining agreement is in effect between an employer, other than governmental body, and service or printing employees as defined in this Section who are represented by a responsible organization that is in no way influenced or controlled by the management, that agreement and its provisions

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will be considered as conditions prevalent in that locality and will be the minimum requirements taken into consideration by the Director of Labor.

- 3) Collective bargaining agreements between State employees and the State of Illinois will not be taken into account by the Department of Labor in determining the prevailing wage rate.

- b) As used in this Section, "services" means janitorial cleaning services, window cleaning services, food services, and security services. "Printing" means and includes all processes and operations involved in printing, including but not limited to letterpress, offset, and gravure processes, the multilith method, photographic or other duplicating process, the operations of composition, platemaking, presswork, and binding, and the end products of those processes, methods, and operations. As used in this Part "printing" does not include photocopiers used in the course of normal business activities, photographic equipment used for geographic mapping, or printed matter that is commonly available to the general public from contractor inventory.

- c) For printing contracts, location means one of the following areas:

- 1) Cook County.
- 2) Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Will, Winnebago, Woodford.
- 3) Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, Williamson.

- 4) Where the printing is performed in a plant outside the jurisdiction of this State, it is deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. Where the printing is required to be delivered to more than one Illinois locality, it is deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.

- d) For janitorial services, window washing and security guard services, location means the county in which the work is to be performed.

- e) This Section does not apply to services furnished under contracts for professional or artistic services.

- f) This Section does not apply to vocational programs of training for physically or mentally handicapped persons or to sheltered workshops

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for the severely disabled.

## SUBPART H: DISPUTES, PROTESTS AND CONTROVERSIES

## Section 1400.4005 Disputes and Protests Regarding Solicitations and Awards

## a) Procedures

Any dispute or protest regarding solicitations and awards must be communicated to the Chief Procurement Officer by the vendors within 7 days after the protester knows or should have known of the facts giving rise thereto and before a contract is executed between the Treasurer's office and the successful vendor. The vendors may be required to provide additional information to the Treasurer's office in order to process the dispute or protest. If the Chief Procurement Officer is unable to resolve the issue in a timely manner, then it will be referred to the Procurement Review Board for a final determination that will be communicated to the vendors involved in the dispute or protest and made part of the procurement file within 7 days after the referral by the Chief Procurement Officer.

## b) Procurement Delays

The investigation of a dispute or protest may cause a delay in the procurement process if deemed necessary by the Chief Procurement Officer. If an action concerning the protest has commenced in court, the Chief Procurement Officer will not act on the protest but will refer the protest to the Attorney General, unless the court requests, expects, or otherwise expresses interest in the decision of the Chief Procurement Officer.

## c) Stay or Withdrawal of Award

An award may be stayed or withdrawn by the Chief Procurement Officer if the Procurement Review Board reaches a determination that to do so is necessary in fairness to the other offerors and to protect the interests of the State.

## Section 1400.4010 Contract Controversies

Contract controversies must be promptly referred to the Chief Procurement Officer for resolution. If the Chief Procurement Officer is unable to resolve the controversy, the controversy will be referred to the Chief Legal Counsel who will attempt to resolve the matter. If the Chief Legal Counsel is unable to resolve the matter satisfactorily, he or she may request the Attorney General's assistance in resolving the dispute. Every contract entered into by the Treasurer's office must have a provision that deals with any failures by the vendor to fully perform under the terms of the agreement.

## Section 1400.4015 Remedies

- a) In all of the following cases the Chief Procurement Officer may, with the approval of the Treasurer and subject to the determination of the



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Chief Legal Counsel under subsection (b), terminate or rescind any contract entered into under this Part in the event:

- 1) The successful bidder or proposer fails to furnish a satisfactory performance bond within the time specified.
- 2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered.
- 3) Any goods or services provided under the contract are:
  - A) rejected (for not meeting the specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced or corrected by the vendor; or
  - B) repeatedly rejected, even though the vendor offers to replace the goods or services promptly.
- 4) There is sufficient evidence to show that the contract was obtained by fraud, collusion, conspiracy, or other unlawful means.
- 5) The vendor is guilty of misrepresentation in connection with another contract for the sale of goods or services to the State and cannot reasonably be depended upon to fulfill his or her obligations as a responsible vendor under any of his or her contracts with the State.
- 6) The vendor should be adjudged bankrupt or enters into a general assignment for the benefit of his or her creditors or receivership due to insolvency.
- 7) The vendor disregards laws and ordinances, rules, or instructions of a contracting officer or acts in violation of any provision of the contract or this Part, or the contract conflicts with any statutory or constitutional provision of the State of Illinois or of the United States.
- 8) Any other breach of contract or other unlawful act by the vendor occurs.

b) Determination of Right to Terminate or Rescind Contract  
The Chief Legal Counsel shall determine in writing that a violation listed in subsection (a) has occurred prior to the termination or rescission of a contract under this Section.

c) Contracts that are terminated under this Section will be terminated at no cost to the State.

d) Withholding Money to Compensate State for Damages  
If a contract is terminated or rescinded under this Section, the State may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on his or her part on which the cancellation is based.

e) Damages

The damages for which the State may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy include, but are not limited to, the following:

- 1) the additional cost of goods or services bought elsewhere;

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- 2) cost of repeating the procurement procedure;
  - 3) any expenses incurred because of delay in receipt of goods or services; and
  - 4) any other damages caused by the vendor's breach of contract or unlawful act.
- f) Effect of Declaring a Contract Null and Void  
In all cases where a contract is voided, the Treasurer's office will endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments will be made under the contract.
- g) In lieu of terminating or rescinding the contract, when appropriate the Chief Procurement Officer may seek to negotiate an alternative resolution that is at least as beneficial to the State as termination or rescission, but the Chief Procurement Officer must not waive the right to terminate or rescind the contract if the situation does not improve.

## Section 1400.4020 Suspension

a) Application

This rule applies to all suspensions of vendors from consideration for award of contracts.

b) The Chief Procurement Officer may suspend a vendor from doing business with the Treasurer's office for all or specific types of supplies or services. A suspension may be issued upon a determination by the Chief Procurement Officer that the vendor violated this Part or failed to conform to specifications or terms of delivery.

c) When the Chief Procurement Officer determines that cause exists for suspension, a notice of suspension, including a copy of the determination, must be sent to the suspended vendor. Bids, proposals and responses will not be solicited from the suspended vendor, and, if they are received, they will not be considered during the period of suspension.

d) A contractor may be suspended for any period of time commensurate with the seriousness of the offense. A suspension may be for an indefinite period of time subject to demonstration by the contractor that the suspension is no longer necessary.

e) The suspension will be effective within seven calendar days after receipt of notice unless an objection is filed. If an objection were filed, the suspension would not become effective until the evaluation of the objection by the Chief Procurement Officer is completed.

f) The Treasurer's office will not solicit or accept bids, proposals and responses from vendors of the CMS master list of suspensions and debarments during the period of suspension or debarment.

## SUBPART I: PREFERENCES

## Section 1400.4505 Procurement Preferences

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The procurement preferences identified in this Subpart must be considered in developing procurement documents, conducting evaluations and drafting contracts.

**Section 1400.4510 Resident Vendor Preference**

- a) "Illinois resident vendor" as used in this Section means a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced, including a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced.
- b) An Illinois resident vendor will be allowed a preference as against a non-resident vendor, which is equal to the preference, if any, that the state of the non-resident vendor affords vendors from that state.
- c) An Illinois resident vendor who would perform the services or provide the supplies from another state will be considered a resident of that other state as against an Illinois resident vendor who would perform the services or provide the supplies from Illinois, if that other state has an in-state preference.
- d) If an Illinois resident vendor produces or performs at least 51% of the goods or services in another state, that Illinois resident vendor will be considered a resident of that other state for purposes of application of this reciprocal preference when evaluating the offer of an Illinois resident vendor that produces or performs at least 51% of the goods or services in Illinois.
- e) The Chief Procurement Officer shall maintain a list of states with in-state preference that will be considered in all procurements involving out-of-state vendors. The Chief Procurement Officer may satisfy this requirement by maintaining and updating a list that has been created by CMS.

**Section 1400.4515 Soybean Oil-based Ink**

Contracts requiring the procurement of printing services must specify the use of soybean oil-based ink unless the Chief Procurement Officer or Purchasing Officer determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.

**Section 1400.4520 Recycled Materials**

When a contract is to be awarded to the lowest responsible offeror, an otherwise qualified offeror who will fulfill that contract through the use of products made of recycled materials may, on a pilot basis or in accordance with

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a pilot study, be given preference over other offerors unable to do so, if the cost identified in the offer of products made of recycled materials is not more than the cost of products not made of recycled materials.

**Section 1400.4525 Recycled Paper**

All paper purchased for use by the Treasurer's office must be recyclable paper unless recyclable paper cannot be used to meet the requirements of the Treasurer's office. The Treasurer's office will determine its paper requirements to allow the use of recyclable paper whenever possible, including without limitation using plain paper rather than colored paper that is not recyclable.

**Section 1400.4530 Correctional Industries**

- a) The Chief Procurement Officer will develop a list of the goods or services available from the Department of Corrections and will identify those that must be purchased from Corrections.
- b) Those items that must be purchased from Corrections may not be procured from any other source without the express written authorization of the Chief Procurement Officer.
- c) Procurements may be made from Corrections without seeking competition or giving public notice, if a record of all the purchases made from Corrections is made part of the procurement file.

**Section 1400.4535 Sheltered Workshops for the Disabled**

- a) Supplies and services may be procured without advertising or calling for offers from any qualified not-for-profit organization for the severely handicapped that:
  - 1) complies with Illinois laws governing private not-for-profit organizations;
  - 2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor; and
  - 3) meets the Illinois Department of Human Services just standards for rehabilitation facilities.
- b) Sheltered Workshop List
 

The Chief Procurement Officer must maintain a list of all qualified sheltered workshops. The Chief Procurement Officer may rely on the list developed by CMS to satisfy this responsibility if a copy is maintained in the Treasurer's office and updated as necessary.
- c) Requirements for Selection
 

In order to be selected as the offeror of a good or service, the not-for-profit organization must have indicated an interest in providing the supplies and services, must meet the specifications and needs of the Treasurer's office, and must set a fair market price that has been approved as provided in this Section.



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## d) Pricing Approval

1) While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar goods or services, the policy of this Part to promote procurements from sheltered workshops, and other similarly relevant factors.

2) The Procurement Review Board must approve contracts for reasonableness of price if:

- A) the good or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or
- B) the good or service is offered and the sheltered workshop is selected even though not the lowest responsible offeror.

3) The Procurement Review Board approval is not required if:

- A) the contract does not exceed the bid limit set in Section 1400.2020 for small purchases and no bidding was conducted; or

B) the contract is let to the sheltered workshop under a competitive procedure.

4) When the approval of the Procurement Review Board is required, it will be given or denied in an expeditious manner so as not to disrupt procurement activities.

## e) Coordination with CMS

A Purchasing Officer will be assigned the task of coordinating with the committee that is created within CMS under the Illinois Procurement Code to insure that the Treasurer's office is aware of the activities, accomplishments and findings of the committee.

## Section 1400.4540 Gas Mileage

## a) Specification

Contracts for the purchase or lease of new passenger automobiles, other than station wagons, vans and four-wheel drive vehicles, must specify the procurement of a model that, according to the most current mileage study published by the U.S. Environmental Protection Agency, can achieve at least the minimum average fuel economy in miles per gallon imposed upon manufacturers of vehicles under Title V of the Motor Vehicle Information and Cost Savings Act.

## b) Exemptions

The Chief Procurement Officer may exempt procurements from the requirement of subsection (a) when there is a demonstrated need, determined in writing and made part of the procurement file, for an automobile that does not meet the minimum average fuel economy standards. The Chief Procurement Officer must not exempt procurements from the requirement of subsection (a) unless it is clear that there is not a compliant vehicle available at a comparable price that will

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meet the needs of the Treasurer's office.

## Section 1400.4545 Illinois Agricultural Products

In awarding contracts requiring the procurement of agricultural products, preference may be given to an otherwise qualified offeror who will fulfill the contract through the use of agricultural products grown in Illinois.

## Section 1400.4550 Corn-based Plastics

In awarding contracts requiring the procurement of plastic products, preference may be given to an otherwise qualified offeror who will fulfill the contract through the use of plastic products made from Illinois corn by-products.

## Section 1400.4555 Vehicles Powered by Agricultural Commodity-based Fuel

In awarding contracts requiring the procurement of vehicles, preference may be given to an otherwise qualified offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or biodiesel fuels produced from Illinois soybeans.

## Section 1400.4560 Small Businesses

## a) Set-Aside

The Chief Procurement Officer may designate as small business set-asides a fair proportion of contracts for the provision of goods and services for award to small businesses in Illinois. A set-aside designation may last indefinitely or for a stated period of time.

## b) Required Use

If the Treasurer's office wishes to make a procurement covered by a set-aside designation, the solicitation must note that responses are limited to those from responsible small businesses. Bids, proposals or responses received from large businesses will be rejected as nonresponsive.

## c) Withdrawal of Set-Aside

If the Chief Procurement Officer determines that acceptance of the best bid, proposal or response will result in the payment of an unreasonable price, the Chief Procurement Officer or Purchasing Officer will reject all bids, proposals or responses and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification must be published as provided in Section 1400.1505 with an explanation. After withdrawal of the small business set-aside, the procurement will be conducted in accordance with the requirements of this Part.

## d) Criteria for Small Business

Unless the Chief Procurement Officer provides a definition for a particular procurement that reflects industrial characteristics, a

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small business is one:

- 1) Independently owned and operated.
- 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration must be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
- 3) With annual sales for the most recently ended fiscal year no greater than:
  - A) \$7,500,000 for wholesale business;
  - B) \$1,500,000 for retail business.
- 4) With no more than 250 employees if a manufacturing business.
  - A) A manufacturing business must calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis for its most recently ended fiscal year.
  - B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period that it has been in existence.
- 5) If both a wholesaler and a retailer, the combined wholesale and retail annual sales for its most recently completed fiscal year may not exceed \$9,000,000. The retail component may not exceed \$1,500,000 and the wholesale component may not exceed \$7,500,000.
- 6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates must be included. Concerns are affiliates when either one directly or indirectly control or have the power to control the other, or when a third party or parties control or have the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration must be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship does not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.
- e) Reliance on the Determination of CMS
 

The Treasurer's office may defer to the determination by CMS that a business is a small business.
- f) Small Business Specialist
 

The Small Business Specialist for the Treasurer's office shall assist small businesses seeking to provide goods or services to the Treasurer's office and is specifically responsible for the following:

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- 1) Compiling and maintaining a comprehensive bidders list of small businesses and cooperating with the Federal Small Business Administration in locating potential sources for various products or services. The Small Business Specialist may rely on the bidders list developed by CMS to satisfy this responsibility if a copy is maintained in the Treasurer's office and updated as necessary.
- 2) Assisting small businesses in complying with the procedures for bidding, proposing or responding to solicitations of the Treasurer's office.
- 3) Assisting in the development of small business set-asides if determined by the Chief Procurement Officer to be in the State's best interest.
- 4) Making recommendations to the Chief Procurement Officer for the simplification of specifications and terms in order to increase the opportunities for small business participation.
- 5) Assisting in investigations by the Treasurer's office to determine the responsibility of any offeror on any small business set-asides.
- g) Small business annual report
 

The Chief Procurement Officer shall annually before December 1 report in writing to the General Assembly concerning the awarding of contracts to small businesses. The report will include the total value of awards made in the preceding fiscal year under the designation of small business set-aside. The requirement for reporting to the General Assembly will be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act [25 ILCS 5/3.1].

### Section 1400.4565 Preferences for Veterans, Minorities, Females, and Persons with Disabilities

This Part is subject to the applicable provisions of the Veterans Preference Act [330 ILCS 55] and the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575]. The Chief Procurement Officer shall do whatever is reasonably necessary to enable veterans, minorities, females, and persons with disabilities to participate in the procurement process. The Chief Procurement Officer may rely on the determination of CMS that a person or business qualifies for a preference under these Acts.

## SUBPART J: ETHICS

### Section 1400.5005 Purpose

It is the express duty of Chief Procurement Officer, Purchasing Officers and their designees to maximize the value of the expenditure of public moneys in procuring goods, services, and contracts for the Treasurer's office and to act in a manner that maintains the integrity and public trust of State government.



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In discharging this duty, they are charged to use all available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the Treasurer's office.

## Section 1400.5010 Bribery

- a) Prohibition
  - 1) No person or business will be awarded a contract or subcontract under this Part who:
    - 1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in the officer's or employee's official capacity; or
    - 2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.
- b) Businesses
  - No business will be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:
    - 1) the business has been finally adjudicated not guilty; or
    - 2) the business demonstrates to the governmental entity with which it seeks to contract, and that entity finds, that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in Section 5-4(a)(2) of the Criminal Code of 1961 [720 ILCS 5/5-4(a)(2)].
- c) Conduct on Behalf of Business
  - For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business will be chargeable with the conduct.
- d) Certification
  - Every offer submitted to and contract executed by the State must contain a certification by the vendor that the vendor is not barred from being awarded a contract or subcontract under this Section.

## Section 1400.5015 Felons

Unless otherwise provided, no person or business convicted of a felony may do business with the Treasurer's office from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.

## Section 1400.5020 Conflicts of Interest

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## a) Prohibitions

- 1) The Treasurer and all employees of the Treasurer's office who receive compensation for the employment in excess of 60% of the salary of the Governor of the State of Illinois and the spouses and minor children of those persons may not have or acquire any contract, or any direct pecuniary interest in any contract, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.
- 2) No firm, partnership, association, or corporation in which any person described in subsection (a)(1) is entitled to receive:
  - A) more than 7 1/2% of the total distributable income; or
  - B) an amount in excess of the salary of the Governor, may have or acquire any contract or direct pecuniary interest in any contract that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.
- 3) No firm, partnership, association, or corporation in which any person described in subsection (a)(1) together with his or her spouse or minor children is entitled to receive:
  - A) more than 15%, in the aggregate, of the total distributable income; or
  - B) an amount in excess of two times the salary of the Governor, may have or acquire any contract or direct pecuniary interest in any contract that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois.
- b) An individual has a direct pecuniary interest in a contract when the individual is owed any payment in conjunction with performance of a contract, including finders' fees and commission payments.
- c) Distributable income means the income to a company after payment of all expenses, including employee salary and bonus, and retained earnings, and which remaining amount is actually distributed to those entitled to receive a share of the income.
- d) Applicability
  - This Section does not apply to or affect the validity of:
    - 1) any bond or other security previously offered for sale, to be offered for sale or sold by or for the State of Illinois;
    - 2) any contract made between the State and a person described in subsection (a)(1) that was in existence before the election or employment of the person if the contract can be completed within 365 days after the person takes office; otherwise, it is voidable by the State;
    - 3) payments made for a public aid recipient;
    - 4) any contract for personal services as a teacher or school administrator between the Treasurer, or an employee of the Treasurer's office, and a school district, public community college district, or the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois

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University, Northern Illinois University, Western Illinois University, Chicago State University, Governor's State University, or Northeastern Illinois University;

- 5) any contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of the Treasurer or an employee of the Treasurer's office;
- 6) payments made to the Treasurer or an employee of the Treasurer's office for or on behalf of a child or family served by the Department of Children and Family Services;
- 7) contracts that are competitively procured as provided in this Part between the Treasurer's office and licensed professionals.

## e) Exemptions

The Treasurer, with the approval of the Chief Procurement Officer, may exempt named individuals from the prohibitions in this Section when, in his or her judgement, the public interest in having the individual in the service of the State outweighs the public policy evidenced in this Section. An exemption is effective only when it is filed with the Secretary of State and the Comptroller and includes a statement that includes the name of the individual, all pertinent facts that would make this Section applicable, the reason for the exemption and a declaration that the individual is exempted from this Section. Notice of each exemption must be published as provided in Section 1400.1505 and made part of the procurement file.

## Section 1400.5025 Negotiations for Future Employment

- a) No person employed in or on a continual contractual relationship with the Treasurer's office may participate in contract negotiations on behalf of the Treasurer's office with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment.
- b) An individual who performs services under a contract and who meets the requirements of an "employee" or "contractual employee" as opposed to an "independent contractor" is in a "continual contractual relationship" from the effective date of the contract until the time the contract is terminated.
- c) "Independent contractors", as opposed to "employees" or "contractual employees", are in a "continual contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless the Treasurer's office must act to terminate, or has a definite term of at least three months.

## Section 1400.5030 Revolving Door

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The Chief Procurement Officer and the Purchasing Officers may not engage in any procurement activity relating to the Treasurer's office for two years after terminating their position as Chief Procurement Officer or Purchasing Officer.

## Section 1400.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

- a) All offers from responsive offerors with an annual value of more than \$10,000 must be accompanied by disclosure of the financial interests of the offeror. The financial disclosure of each successful offeror must be made part of the procurement.
- b) Disclosure by the offerors must include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the offering entity or its parent entity, whichever is less, unless the offeror is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure. The form of disclosure will be prescribed by the Chief Procurement Officer and must include at least the names, addresses, and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each person identified in this Section having in addition any of the following relationships:
  - 1) State employment, currently or in the previous 3 years, including contractual employment services.
  - 2) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.
  - 3) Elective status: the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.
  - 4) Relationship to anyone holding elective offices currently or in the previous 2 years: spouse, father, mother, son, or daughter.
  - 5) Appointive office: the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years.
  - 6) Relationship to anyone holding appointive office currently or in the previous 2 years: spouse, father, mother, son, or daughter.
  - 7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.
  - 8) Relationship to anyone who is or was a registered lobbyist in the



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- previous 2 years; spouse, father, mother, son, or daughter.
- 9) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.
  - 10) Relationship to anyone (spouse, father, mother, son, or daughter) who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.
- c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the Chief Procurement Officer, Purchasing Officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.
- d) In the case of any contract for personal services in excess of \$50,000; any contract competitively procured in excess of \$250,000; any other contract in excess of \$50,000; when a potential for a conflict of interest is identified, discovered, or reasonably suspected, the Chief of Staff shall review and comment on it in writing. The Chief of Staff shall provide his comment to the Chief Procurement Officer who must determine in writing whether to void or allow the contract, bid, proposal or response weighing the best interest of the State of Illinois. The comment and determination must be part of the procurement file.
- e) These thresholds and disclosure do not relieve the Chief Procurement Officer, Purchasing Officers, or their designees from reasonable care and diligence for any contract, bid, proposal or response. The Chief Procurement Officer, Purchasing Officers, or their designees shall use any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.
- f) Inadvertent or accidental failure to make any disclosure required by this Section will render the contract, bid, proposal, response or relationship voidable by the Chief Procurement Officer if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, bids, proposals, responses or relationships with the State for a period of up to 2 years.
- g) Intentional, willful or material failure to make any disclosure required by this Section will render the contract, bid, proposal, response or relationship voidable by the Chief Procurement Officer if he or she deems it to be in the best interest of the State of Illinois and will result in suspension from future contracts, bids, proposals, responses or relationships for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10

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years must be reviewed and commented on in writing by the Chief of Staff. The Chief of Staff must provide the review to the Chief Procurement Officer who must rule in writing whether and when to reinstate. The comment and determination must be part of the procurement file.

- h) In addition, all disclosures must note any other current or pending contracts, leases, bids, proposals, responses or other ongoing procurement relationships the bidding, proposing, or responding entity has with any other unit of State government and must clearly identify the unit and the contract, lease, bid, proposal, response or other relationship.

**Section 1400.5040 Reporting Anticompetitive Practices**

When, for any reason, any vendor, bidder, proposer, respondent or employee of the Treasurer's office, including the Chief Procurement Officer and Purchasing Officers, suspects collusion or other anticompetitive practice among any bidders, proposers, respondents or employees of the Treasurer's office, a notice of the relevant facts must be transmitted to the Attorney General and the Chief Procurement Officer.

**Section 1400.5045 Confidentiality**

The Chief Procurement Officer Purchasing Officers, and their designees are subject to immediate dismissal and may be subject to criminal prosecution for willfully using or allowing the use of specifications, procurement documents or proprietary information to compromise the fairness or integrity of the procurement or contract process.

**Section 1400.5050 Insider Information**

It is unlawful for the Treasurer or any employee of the Treasurer's office to knowingly use confidential information available only by virtue of that office or employment for actual or anticipated gain for themselves or another person.

**Section 1400.5055 Additional Provisions**

This Part is subject to applicable provisions of the following Acts:

- a) Article 33E of the Criminal Code of 1961 [720 ILCS 5/Art. 33E];
- b) the Illinois Human Rights Act [775 ILCS 5];
- c) the Discriminatory Club Act [775 ILCS 25];
- d) the Illinois Governmental Ethics Act [5 ILCS 420];
- e) the State Prompt Payment Act [30 ILCS 540];
- f) the Public Officer Prohibited Activities Act [50 ILCS 105]; and
- g) the Drug Free Workplace Act [30 ILCS 580].

**Section 1400.5060 Other Violations**

## OFFICE OF THE ILLINOIS STATE TREASURER

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Any employee of the Treasurer's office, including the Chief Procurement Officer and Purchasing Officers, who willfully violates or allows the violation of this Part is subject to immediate dismissal.

**Section 1400.5065 Supply Inventory**

The Treasurer's office should inventory or stock no more equipment, supplies, commodities, articles, and other items than are reasonably necessary for the efficient functioning of the Treasurer's office. The Treasurer's office must seek to have no more than a 12-month supply of any equipment, supplies, commodities, or other items, unless there is a justifiable reason for doing so.

## SUBPART K: CONCESSIONS

**Section 1400.5505 Concessions**

a) All Concessions, including the assignment, license, sale, or transfer of interests in or rights to discoveries, inventions, patents, or copyrightable works, may be entered into by the Treasurer's office, if the concession is reduced to writing and awarded by one of the procurement methods described in this Part, except that the contract will be awarded to the highest and best offeror. The duration and terms of concessions and leases of State property must be in accordance with this Part.

b) Proposed concessions or leases of State property under this Part must be coordinated with CMS to ensure compliance with the State Property Control Act and rules implementing that Act (44 Ill Adm Code 5000).

## SUBPART L: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

**Section 1400.6005 Severability**

If any provision of this Part or any application thereof is held invalid, the invalidity will not affect other provisions or applications of this Part that can be given effect without the invalid provision or application.

**Section 1400.6010 Government Furnished Property**

If the Treasurer's office provides any property to the vendor in furtherance of the contract, the property will remain the property of the State but may be consumed by the vendor if necessary to complete the contract. The vendor shall issue a receipt for the property and will be responsible for its safekeeping and return of unused property to the State.

**Section 1400.6015 Inspections**

a) Inspection of Plant or Site  
The State may enter a contractor's or subcontractor's plant or place

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of business to:

- 1) inspect supplies or services for acceptance by the State under the terms of a contract;
- 2) audit the books and records of any contractor or subcontractor under Section 1400.4020(d);
- 3) investigate an action to suspend a person from consideration for award of contracts in accordance with Section 1400.4020;
- 4) determine whether the standards of responsibility have been met or are capable of being met; and
- 5) determine if the contract is being performed in accordance with its terms.

b) Inspection and Testing of Supplies and Services

1) Solicitation and Contractual Provisions. Treasurer's office contracts may provide that the Treasurer's office may inspect supplies and services at the contractor's or subcontractor's facility and perform tests to determine whether they conform to solicitation requirements, or, after award, to contract requirements, and are therefore acceptable. The inspections and tests are conducted in accordance with the terms of the solicitation and contract.

2) Procedures for Trial Use and Testing. The Chief Procurement Officer may establish operational procedures governing the testing and trial use of equipment, material, and other supplies by the Treasurer's office, and the application of resulting information and data to specifications or procurements.

c) Conduct of Inspections

1) Inspectors. Inspections or tests are performed so as not to unduly delay the work of the contractor or subcontractor. No inspector other than the Chief Procurement Officer may change any provision of the specifications or the contract without written authorization of the Chief Procurement Officer. The presence or absence of an inspector does not relieve the contractor or subcontractor from any requirements of the contract.

2) Location. When an inspection is made in the plant or place of business of a contractor or subcontractor, the contractor or subcontractor shall provide without charge all reasonable facilities and assistance for the safety and convenience of the person performing the inspection or testing.

3) Time. Inspection or testing of supplies and services performed at the plant or place of business of any contractor or subcontractor must be performed at reasonable times.

**Section 1400.6020 No Waiver of Sovereign Immunity**

Nothing in this Part will be deemed to be a waiver of sovereign immunity.

**Section 1400.6025 Postage Stamps**



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All postage stamps purchased from State funds must be perforated for identification purposes.

## Section 1400.6030 Printing

All books, pamphlets, documents, and reports published through or by the Treasurer's office must have printed thereon "Printed by the authority of the State of Illinois", the date of each publication, the number of copies printed, and the printing order number. No publication may have written, stamped, printed, or attached to it "Compliments of . . . (naming a person)" or any words of similar import.

## Section 1400.6035 Annual Reports

Every printed annual report produced by the Treasurer's office must bear a statement indicating whether it was printed by the State of Illinois or by contract and indicating the printing costs per copy and the number of copies printed. For every annual report prepared, a report must be prepared detailing the quantity of annual reports printed, the total cost, the cost per copy, and the cost per page of the annual report. The report will be submitted to the General Assembly on the fourth Wednesday of January in each year that a report is produced by the Treasurer's office and made part of the procurement file.

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## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Smart Money Program Confidentiality Requirements

2) Code Citation: 74 Ill. Adm. Code 730

3) Section Number: Proposed Action:

730.20 Repealer

730.30 Repealer

730.40 Repealer

4) Statutory Authority: Previously required by Federal Assistance Rules (codified at 7 CFR sections 272.1, 42 CFR sections 431.300-307 and 45 CFR sections 205.50-58) and the Illinois Public Aid Code [305 ILCS 5/11-10].

5) Effective Date of Repealers: August 24, 1998

6) Do these repealers contain an automatic repeal date? No

7) Do these repealers contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: 22 Ill. Reg. 1137 - 1/9/98

10) Has JCAR issued a Statement of Objections to these Repealers? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these repealers replace an emergency rule currently in effect? No

14) Are there any repealers pending on this Part? No

15) Summary and Purpose of the Repealers: Repeal of separate requirements for a program that has been combined with the existing programs of the Illinois Department of Public Aid.

16) Information and questions regarding these repealers should be directed to:

Martin O. Noven  
Legal Counsel  
Office of the Illinois State Treasurer  
160 North LaSalle Street, Suite S-210  
Chicago, Illinois 60601

## DEPARTMENT OF PUBLIC AID

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1) Heading of the Part: Children's Health Insurance Program2) Code Citation: 89 Ill. Adm. Code 1253) Section Numbers: Emergency Action:

125.100 New Section  
125.110 New Section  
125.200 New Section  
125.205 New Section  
125.220 New Section  
125.230 New Section  
125.240 New Section  
125.245 New Section  
125.250 New Section  
125.260 New Section  
125.300 New Section  
125.305 New Section  
125.310 New Section  
125.320 New Section  
125.330 New Section  
125.340 New Section  
125.400 New Section  
125.420 New Section  
125.440 New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and House Bill 705/P.A. 90-736, effective August 12, 1998 [215 ILCS 106].5) Effective Date: August 12, 19986) If these Emergency Rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable7) Date Filed with the Index Department: August 12, 1998

## 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: This emergency rulemaking is being filed pursuant to the Governor's signing of House Bill 705/P.A. 90-736, effective August 12, 1998 [215 ILCS 106], the Children's Health Insurance Act, and the Budget Implementation Act for fiscal year 1999. Under House Bill 705/P.A. 90-736, the Department is authorized to administer an insurance program assisting families with obtaining coverage for medical services for their children who are not Medicaid eligible. This new program will extend

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health benefits coverage to children who are uninsured and to other children by subsidizing the cost of privately sponsored health insurance. Immediate implementation of this emergency rulemaking is necessary to assure access to medical coverage for eligible children. Emergency rulemaking is specifically authorized for the implementation of these medical insurance provisions for fiscal year 1999 by Section 60 of House Bill 705/P.A. 90-736.

- 10) Complete Description of the Subjects and Issues Involved: This emergency rulemaking establishes the Children's Health Insurance Program as required by House Bill 705/P.A. 90-736. The legislation authorizes the Department to administer an insurance program, to be known as KidCare, to assist families in obtaining coverage for medical services for their children. This children's health care initiative will provide medical benefits for children who are not eligible for coverage under Medicaid. The benefits are not an entitlement and will only be available to the extent that appropriations are available for such services.

KidCare will provide health care coverage for uninsured children by providing medical care benefits that are similar to benefits received under the Medicaid program, and for children with insurance coverage, by subsidizing the cost of privately sponsored health insurance, including employer-based health insurance. The KidCare provisions for children lacking insurance include nominal copayment requirements that are determined on the basis of family size and monthly countable income, monthly premiums according to specified income levels and an annual family cap on copayments. KidCare for children with insurance coverage provides for insurance rebates to be paid to the individual policyholder. Reimbursements to providers of services under KidCare will equal those paid for Medicaid services.

The Children's Health Insurance Program legislation is the result of the efforts of a task force comprised of members from the House and Senate, child health advocates, representatives of the Governor's Office, and representatives from the Departments of Public Aid, Public Health, Human Services and Insurance.

The benefits allowed under KidCare will be subject to review and adjustment as required by budgetary appropriations for medical services. Implementation of KidCare is expected to result in an annual expenditure of approximately \$84.1 million.

- 11) Are there any other proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This emergency rulemaking does not affect units of local government.
- 13) Information and questions regarding this Emergency Rulemaking shall be

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directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
(217) 524-0081

The full text of the Emergency Rules begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 125

## CHILDREN'S HEALTH INSURANCE PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section  
125.100 General Description  
EMERGENCY  
125.110 Definitions  
EMERGENCY

## SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section  
125.200 Eligibility for Children's Health Insurance Program  
EMERGENCY  
125.205 Eligibility Exclusions and Terminations  
EMERGENCY  
125.220 Application Process  
EMERGENCY  
125.230 Determination of Monthly Countable Income  
EMERGENCY  
125.240 Eligibility Determination and Enrollment Process  
EMERGENCY  
125.245 Appeals  
EMERGENCY  
125.250 Annual Determinations  
EMERGENCY  
125.260 Adding Children to and Removing Children from the Program  
EMERGENCY

## SUBPART C: KIDCARE HEALTH PLAN

Section  
125.300 Covered Services  
EMERGENCY  
125.305 Service Exclusions  
EMERGENCY  
125.310 Copayments  
EMERGENCY  
125.320 Premium Requirements  
EMERGENCY  
125.330 Non-payment of Premium  
EMERGENCY

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125.340 Provider Reimbursement  
EMERGENCY

## SUBPART D: KIDCARE REBATE

Section  
125.400 Minimum Coverage Requirements  
EMERGENCY  
125.420 Coverage Verification Process  
EMERGENCY  
125.440 KidCare Insurance Rebate  
EMERGENCY

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

Section 125.100 General Description  
EMERGENCY

This Part implements the Children's Health Insurance Program Act [215 ILCS 106] (see Public Act 90-736) that authorizes the Department to administer an insurance program to assist families in purchasing health insurance benefits for their children. The program is not an entitlement. The program will enable eligible children of Illinois, to the extent funding permits, access to health benefits coverage. The Department shall provide health benefits coverage to eligible children through purchasing or providing health care benefits or by subsidizing the cost of privately sponsored health insurance, including employer-based health insurance.

Section 125.110 Definitions  
EMERGENCY

For the purpose of this Part, the following terms shall be defined as follows:

"Act" means the Children's Health Insurance Program Act (Public Act 90-736).

"Caretaker Relative" means a relative, with whom the child lives, who is providing care, supervision and a home for the child. Caretaker relatives include:

Blood or adoptive relatives within the fifth degree of kinship:



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father and mother

brother and sister

grandmother and grandfather (including up to great-great-great)

uncle and aunt (including up to great-great)

nephew and niece (including up to great-great)

first cousin

first cousin once removed (child of first cousin)

second cousin (child of great-aunt/uncle)

Step relatives:

step-father and step-mother

step-brother and step-sister

Person who is or has been married to one of the above relatives

"Department" means the Department of Public Aid and any successor agencies.

"Emergency" means the provision of health care services for a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. Determinations of levels of service shall be based upon the symptoms and condition of the patient at the time the patient is initially examined by the physician and not upon the final determination of the patient's actual medical condition.

"Federal Poverty Level" means the federal poverty income guidelines as established by the federal Department of Health and Human Services and published in the Federal Register annually within 30 days after the Consumer Price Index data are released.

"KidCare Health Plan" means the health benefits coverage containing cost sharing features that is available to eligible families under the Children's Health Insurance Program, and will include KidCare Share (no premium required) and KidCare Premium (premium required).

"KidCare Rebate" means the program under which the Department, on

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behalf of an eligible child, makes rebate payments to offset a family's cost of insuring a child under privately sponsored or employer-based health insurance.

"Managed Care Entity or MCE" means a Health Maintenance Organization or a Managed Care Community Network or a Prepaid Health Plan under contract with the Department.

"Medical Assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Program" means the program created under the Children's Health Insurance Program Act and this Part.

"Rebate" means the payment made by the Department under KidCare Rebate.

"REV" means the Recipient Eligibility Verification system through which medical providers can obtain eligibility and claim status information electronically.

## SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

**Section 125.200 Eligibility for Children's Health Insurance Program**  
**EMERGENCY**

A child may be eligible under the Program provided that all of the following eligibility criteria are met:

- a) The child is not eligible for Medical Assistance.
- b) The child is under age 19.
- c) The child is a member of a family whose monthly countable income is above 133 percent of the Federal Poverty Level and at or below 185 percent of the Federal Poverty Level.
- d) The child is a resident of the State of Illinois.
- e) The child is either a United States citizen or included in one of the following categories of non-citizens:

- 1) Unmarried dependent children of either a United States Veteran honorably discharged or a person on active military duty.
- 2) Refugees under Section 207 of the Immigration and Nationality Act.
- 3) Asylees under Section 208 of the Immigration and Nationality Act.
- 4) Persons for whom deportation has been withheld under Section 243(h) of the Immigration and Nationality Act.
- 5) Persons granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980.
- 6) Persons lawfully admitted for permanent residence under the Immigration and Nationality Act.

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- 7) Parolees, for at least one year, under Section 212(d)(5) of the Immigration and Nationality Act.

#### Section 125.205 Eligibility Exclusions and Terminations EMERGENCY

- a) A child shall not be eligible for coverage under the Program if:
- 1) The child is an inmate of a correctional facility or a patient in a mental institution.
  - 2) The child is a member of a family that is eligible for health benefits coverage under a State of Illinois health benefits plan on the basis of a member's employment with a public agency.
  - 3) The application is for coverage under the KidCare Health Plan, described in Subpart C of this Part, and the child was covered under a private or employer-based insurance plan during any of the three months preceding his or her application for coverage under the Program.
  - 4) The child is in categories described in Section 125.200(e)(6) or (e)(7), and the child entered the United States on or after August 22, 1996; he or she shall not be eligible for five years beginning on the date the child entered the United States.
- b) The three month period of being uninsured specified in subsection (a)(3) above does not apply in the following situations:
- 1) A child is applying for coverage under the KidCare Rebate, described in Subpart D of this Part.
  - 2) A child becomes ineligible for Medical Assistance under Article V of the Public Aid Code and applies for coverage under the Program.
  - 3) A child involuntarily loses coverage through a private or employer-based insurance plan and applies for coverage under the KidCare Health Plan.
- c) Termination from the Program shall be initiated upon the occurrence of any of the following events:
- 1) The child becomes ineligible due to:
    - A) Losing his or her Illinois residency.
    - B) Attaining 19 years of age.
    - C) Becoming enrolled in Medical Assistance.
    - D) Meeting the provisions of subsection (a)(1) or (a)(2) of this Section.
  - 2) Failing to pay the required premiums under the KidCare Health Plan, as specified in Section 125.320.
  - 3) A child enrolled in KidCare Rebate no longer being covered under a private or employer-based health insurance plan.
  - 4) Failing to report to the Department changes in non-financial information that impacts upon the child's eligibility for the Program.
  - 5) The child's Caretaker Relative makes a request to the Department to terminate the coverage.

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- 6) The Department determines that a child enrolled under the KidCare Health Plan has other significant health insurance.
- 7) The Department determines that the child is no longer eligible based on any other applicable State or federal law or regulation.
- 8) Failing to provide truthful and accurate eligibility information to the Department.
- d) Following termination from the Program, the following action is required to reapply:
  - 1) A new application must be completed.
  - 2) There must be full payment of premiums under the KidCare Health Plan, for periods in which a premium was owed and not paid.
  - 3) There must be repayment of Rebates paid under KidCare Rebate, for periods during which the child was not covered under a private or employer-based insurance plan.
- e) A certificate of prior creditable coverage will be issued when a child's coverage is terminated under the KidCare Health Plan.

#### Section 125.220 Application Process EMERGENCY

- a) Families will be able to apply for the Program using any of the following methods:
- 1) Completing and submitting the Department's application to an address specified by the Department.
  - 2) Applying in person at a Department of Human Services (DHS) local office.
  - 3) Applying in person at a Maternal and Child Health (MCH) enrollment site, as designated by the Department.
  - 4) Additional methods that the Department establishes.
- b) The application will meet all requirements found at 89 Ill. Adm. Code 110.10.
- c) Families are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in non-financial information provided on the application.

#### Section 125.230 Determination of Monthly Countable Income EMERGENCY

- a) Monthly countable income for applications processed for the Program is determined by taking the total gross monthly income of the family and subtracting allowable deductions and exemptions as described in 89 Ill. Adm. Code 120, Subpart H.
- b) For the purpose of subsection (a) of this Section, the following applies:
- 1) The number of persons in the family determines the applicable income standard.
  - 2) For the purpose of subsection (a) of this Section, family means the child applying for the Program and the following persons who



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live with the child:

- A) The child's parent(s).
- B) The spouse of the child's parent(s).
- C) Children under age 19 of the parent(s) or the parent's spouse.
- D) The spouse of the child.
- E) The children of the child.

#### Section 125.240 Eligibility Determination and Enrollment Process EMERGENCY

- a) If the monthly countable income is at or below 133 percent of the Federal Poverty Level for the number of persons in the income standard, the child will be enrolled in Medical Assistance, if otherwise determined eligible pursuant to 89 Ill. Adm. Code 120, Subpart H.
- b) If the monthly countable income is above 133 percent and at or below 185 percent of the Federal Poverty Level for the number of persons in the income standard, and all other eligibility requirements of this Part are met and enrollment is open, the child will be enrolled in the Program.
- c) Applicants will be notified, in writing, regarding the outcome of their eligibility determination.
- d) Eligibility determinations for the Program made by the fifteenth day of the month will be effective the first day of the following month. Eligibility determinations for the Program made after the fifteenth day of the month will be effective no later than the first day of the second month following that determination.
- e) Monthly identification cards will be issued for each family with a child enrolled under the KidCare Health Plan. At a minimum, information on the card will include:
  - 1) The child's name.
  - 2) Coverage month.
  - 3) Copayment amounts and exclusions.
  - 4) Message when copayment cap is reached.
  - 5) Managed Care Entity chosen, if applicable.
- f) The duration of eligibility for the Program will be 12 months unless one of the events described in Section 125.205(c) occurs. The 12 months of eligibility will commence when the first child in a family is covered under the Program. Children added to the Program after the eligibility period begins will be eligible for the balance of the 12 month eligibility period.

#### Section 125.245 Appeals

##### EMERGENCY

- a) Any individual who applies for or receives assistance under the Program shall have the right to appeal any of the following actions:

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- 1) Refusal to accept an application.
- 2) Denial of an application based on failure to meet the eligibility requirements specified in this Part. If the denial is not upheld on appeal, coverage under the Program shall be retroactive to the date the coverage would have commenced had the application been approved. All premium and copayment requirements shall apply to the retroactive period.
- 3) Termination of coverage based on failure to continue to meet the eligibility requirements specified in this Part. Coverage shall not be continued during the appeal process. If the termination is not upheld on appeal, coverage under the Program shall be reinstated retroactive to the termination date and all premium and copayment requirements shall apply.
- 4) Determination or redetermination of the amount of the premium, insurance Rebate, or copayments required. Coverage and any premium or copayment requirements, as determined by the Department, shall remain in force during the appeal process.
- b) In addition to the actions that are appealable under subsection (a) of this Section, individuals covered under the KidCare Health Plan shall have the right to appeal any of the following actions:
  - 1) Termination of coverage due to non-payment of the required premium.
  - 2) Denial of payment for a medical service or item that requires prior approval.
  - 3) Decision granting prior approval for a lesser or different medical service or item than was originally requested.
  - c) The Department's decision to deny coverage due to closing of enrollment for the Program shall not be appealable.
  - d) Individuals may initiate the appeal process by:
    - 1) Filing a written, signed request for a hearing directed to the Department's Assistance Hearings Section;
    - 2) Additional methods that the Department establishes.
  - e) The request for a hearing may be filed by the individual affected by the action or by the individual's authorized representative.
  - f) For purposes of initiating the appeal process, a copy of a written, signed request for a hearing is considered the same as the original written, signed request.
  - g) The request for a hearing must be filed no later than 60 days after notice of the appealable action has been given.
  - h) Unless otherwise specified, coverage shall not be continued when an appeal is pending.
  - i) The provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104, Practice in Administrative Hearings, shall govern the handling of appeals and the conduct of hearings under the Program.

#### Section 125.250 Annual Determinations

##### EMERGENCY

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY RULES

- a) Eligibility determinations shall be reviewed by the Department, or its authorized agent, at least annually.
- b) Prior to the 12 month eligibility period ending, and in sufficient time to respond, the Department will send an annual determination notice to the family.
- c) Annual determinations shall be subject to all eligibility requirements set forth in Sections 125.200 and 125.205.

#### Section 125.260 Adding Children to and Removing Children from the Program EMERGENCY

- a) Families may add eligible children to the Program during the 12 month eligibility period, without having to submit an application.
- b) Premium amounts under the KidCare Health Plan and Rebates under KidCare Rebate will be adjusted to reflect adding or removing a child from the Program.

## SUBPART C: KIDCARE HEALTH PLAN

#### Section 125.300 Covered Services EMERGENCY

- a) For children covered under the KidCare Health Plan, covered health care services shall be the same covered services for children as described at 89 Ill. Adm. Code 140, 77 Ill. Adm. Code 2090, and 59 Ill. Adm. Code 132, unless contrary to the moral or religious beliefs as defined in the Right of Conscience Act [745 ILCS 70], subject to appropriation and any applicable cost sharing requirements defined in Section 125.310 and Section 125.320.
- b) Children determined to be eligible for the KidCare Health Plan may obtain coverage for a period prior to the date of application for the Program. This coverage shall be subject to the following:
  - 1) The family must request the prior coverage for the child within six months following the initial date of coverage under the KidCare Health Plan.
  - 2) The prior coverage will be child specific and will only be available upon the child's initial application and approval for the Program.
  - 3) If coverage lapses, re-enrollment shall be completed in advance of the next covered medical visit and the first month's premium, if applicable, shall be paid in advance of any covered medical visit.
  - 4) The prior coverage will begin with services rendered during the two weeks prior to the date the child's application for the KidCare Health Plan is filed and will continue until the child's coverage under the KidCare Health Plan is effective.

#### Section 125.305 Service Exclusions

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY RULES

## EMERGENCY

The following health care services will not be covered under the KidCare Health Plan:

- a) Services provided only through a waiver approved under Section 1915(c) of the Social Security Act.
- b) Abortion services.

#### Section 125.310 Copayments EMERGENCY

- a) Copayments may be charged by a health care professional whenever the service is performed in an office or home setting, except for visits scheduled for well-baby care, well-child care or immunizations. Copayments may also be charged by hospitals, once per inpatient admission or outpatient encounter (including the emergency room). No copayment is permitted for visits to health care professionals or hospitals made solely for radiology or laboratory services (including APL Group 2 procedures).
- b) Copayment requirements are as follows:
  - 1) Practitioner office visit:
    - A) Level I copayment: \$2 per visit.
    - B) Level II copayment: \$5 per visit.
  - 2) Home health care visit:
    - A) Level I copayment: \$2 per visit.
    - B) Level II copayment: \$5 per visit.
  - 3) Inpatient hospitalization:
    - A) Level I copayment: \$2 per admission.
    - B) Level II copayment: \$5 per admission.
  - 4) Outpatient encounter (including the emergency room):
    - A) Level I copayment: \$2 per visit.
    - B) Level II copayment: \$5 per visit.
  - 5) Prescription drugs:
    - A) Level I copayment: \$2 for a 1-30 day supply on both generic and brand name drugs.
    - B) Level II copayments: \$3 for a 1-30 day supply on generic drugs or \$5 for 1-30 day supply on brand name drugs.
  - 6) Nonemergency visit to an emergency room:
    - A) Level I copayments: \$2 per visit.
    - B) Level II copayment: \$25 per visit.
- c) Copayment requirements will be determined based upon the monthly countable income as calculated in Section 125.230.
- d) The maximum out-of-pocket expense a family will incur for copayments during a 12 month eligibility period is \$100.
- e) The family is responsible for submitting receipts, to the Department, documenting the payment of copayments. The Department may return partial documentation received on copayments to the family.
- f) Upon the Department determining that the copayment cap has been



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY RULES

satisfied, the following will occur:

- 1) A notice stating that the copayment cap has been satisfied, and the date satisfied, will be sent to the family.
- 2) A message that the copayment cap has been satisfied, and the date satisfied, will be printed on the next monthly identification card.
- 3) REV will be updated to reflect that the copayment cap has been reached.
- g) Providers will be responsible for collecting copayments under the KidCare Health Plan.
- h) Providers may elect not to charge copayments. If copayments are charged, the copayment must comply with the requirements in this Section.
- i) Providers shall be responsible for refunding to the family copayments they collect after the family has reached the copayment cap.
- j) The Department will not require providers to deliver services when copayments will not be paid.
- k) Copayment levels will be determined based on family size and monthly countable income as follows:

- 1) For family size of one:
  - A) Level I copayment: monthly countable income of \$893 to \$1,006.
  - B) Level II copayment: monthly countable income of \$1,007 to \$1,241.
- 2) For family size of two:
  - A) Level I copayment: monthly countable income of \$1,204 to \$1,356.
  - B) Level II copayment: monthly countable income of \$1,357 to \$1,673.
- 3) For family size of three:
  - A) Level I copayment: monthly countable income of \$1,514 to \$1,706.
  - B) Level II copayment: monthly countable income of \$1,707 to \$2,104.
- 4) For family size of four:
  - A) Level I copayment: monthly countable income of \$1,824 to \$2,056.
  - B) Level II copayment: monthly countable income of \$2,057 to \$2,536.
- 5) For family size of five:
  - A) Level I copayment: monthly countable income of \$2,135 to \$2,406.
  - B) Level II copayment: monthly countable income of \$2,407 to \$2,968.
- 6) For family size of six:
  - A) Level I copayment: monthly countable income of \$2,445 to \$2,756.
  - B) Level II copayment: monthly countable income of \$2,757 to

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY RULES

\$3,399.

- 7) For family size of seven:
  - A) Level I copayment: monthly countable income of \$2,755 to \$3,106.
  - B) Level II copayment: monthly countable income of \$3,107 to \$3,831.
- 8) For family size of eight:
  - A) Level I copayment: monthly countable income of \$3,066 to \$3,456.
  - B) Level II copayment: monthly countable income of \$3,457 to \$4,263.
- 9) For family units of more than eight members, add \$233 for each additional member.
- 1) The Department will review and update income levels annually to reflect changes in the Federal Poverty Levels.

## Section 125.320 Premium Requirements

## EMERGENCY

- a) Premium requirements under the KidCare Health Plan will be determined as follows:
  - 1) For family size of one:
    - A) No premium required: monthly countable income of \$893 to \$1,006.
    - B) Premium required: monthly countable income of \$1,007 to \$1,241.
  - 2) For family size of two:
    - A) No premium required: monthly countable income of \$1,204 to \$1,356.
    - B) Premium required: monthly countable income of \$1,357 to \$1,673.
  - 3) For family size of three:
    - A) No premium required: monthly countable income of \$1,514 to \$1,706.
    - B) Premium required: monthly countable income of \$1,707 to \$2,104.
  - 4) For family size of four:
    - A) No premium required: monthly countable income of \$1,824 to \$2,056.
    - B) Premium required: monthly countable income of \$2,057 to \$2,536.
  - 5) For family size of five:
    - A) No premium required: monthly countable income of \$2,135 to \$2,406.
    - B) Premium required: monthly countable income of \$2,407 to \$2,968.
  - 6) For family size of six:
    - A) No premium required: monthly countable income of \$2,445 to

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY RULES

- \$2,756.
- B) Premium required: monthly countable income of \$2,757 to \$3,399.
- 7) For family size of seven:
- A) No premium required: monthly countable income of \$2,755 to \$3,106.
- B) Premium required: monthly countable income of \$3,107 to \$3,831.
- 8) For family size of eight:
- A) No premium required: monthly countable income of \$3,066 to \$3,456.
- B) Premium required: monthly countable income of \$3,457 to \$4,263.
- 9) For family units of more than eight members, add \$233 for each additional member.
- b) Premium requirements will be determined based upon the monthly countable income as calculated in Section 125.230.
- c) The premium amounts are \$15 for one child, \$25 for two children and \$30 for three or more children.
- d) Premiums are billed by and payable to the Department, or its authorized agent, on a monthly basis.
- e) The premium due date will be 26 days after the fifth day of the calendar month preceding the month of coverage.
- f) The premium will not change during the eligibility period, unless the family reports a decrease in monthly countable income placing the family in the no premium level or the family adds or removes children from the coverage.
- g) The Department will review and update income levels annually to reflect changes in the Federal Poverty Levels.

#### Section 125.330 Non-payment of Premium EMERGENCY

- a) KidCare Health Plan participants will have a grace period through the end of the coverage month to pay the premium.
- b) Failure to pay the full monthly premium by the last day of the grace period will result in termination of coverage.
- c) Partial premium payments will not be refunded.
- d) Collection action will be initiated by the Department to collect unpaid premiums.

#### Section 125.340 Provider Reimbursement EMERGENCY

- a) Providers under this Part shall be subject to approval by the Department to provide health care under the Illinois Public Aid Code.
- b) Provider participation under this Part shall be voluntary.
- c) Providers under this Part shall be reimbursed in accordance with the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY RULES

- established rates of the Department.
- d) In addition to reimbursements received from the Department, providers may retain copayments defined in Section 125.310.
- e) Providers under this Part shall be prohibited from billing families covered under the KidCare Health Plan any difference between the charge amount and the amount paid by the Department, except for copayments.
- f) Providers shall be responsible for refunding to the participant copayments collected in excess of the amounts permitted by this Part.

## SUBPART D: KIDCARE REBATE

#### Section 125.400 Minimum Coverage Requirements EMERGENCY

For an eligible child to participate in KidCare Rebate, the eligible child must be covered by an insurance plan that offers comprehensive major medical coverage providing benefits for physician and hospital inpatient services.

#### Section 125.420 Coverage Verification Process EMERGENCY

- a) All applications for participation in KidCare Rebate must be accompanied by the Department's Insurance Rebate Form.
- b) Verification of insurance coverage for the previous 12 months will be required on reapplication for KidCare Rebate.
- c) The Department, or its authorized agent, may conduct random audits to verify insurance coverage for participants under KidCare Rebate.
- d) Collection action will be initiated by the Department to collect Rebates paid when a child was not covered under a private or employer-based health plan.

#### Section 125.440 KidCare Insurance Rebate EMERGENCY

- a) The Rebate will be paid to the individual policyholder insuring the child.
- b) The Department will issue Rebates on a monthly basis.
- c) The total dollar amount of the Rebate paid by the Department per child per month shall be the lesser of:
- 1) The average dollar payment, less premium incurred per child per month, paid by the Department under the KidCare Health Plan, or
  - 2) The policyholder's monthly portion of the premium paid for coverage of children enrolled under KidCare Rebate.
- d) The Department shall set the amount of the Rebate, described in subsection (c) of this Section, prospectively based upon the prior fiscal year's experience adjusted for incurred, but not reported, claims and estimated increases or decreases in the cost of medical



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY RULES

care. In calculating the Rebate amount for periods prior to July 1, 1999, the Department will use State fiscal year 1996 payments for children eligible for Medical Assistance and income assistance under the Aid to Families with Dependent Children Program, with appropriate adjustments for cost and utilization changes through January 1, 1999.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Special Eligibility Groups
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Numbers:  
Emergency Action:  
118.500 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and amendments recently enacted through the Budget Implementation Act (Public Act 90-588).
- 5) Effective Date: August 12, 1998
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: August 12, 1998
- 8) A copy of this emergency rule, including any materials incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed pursuant to the Budget Implementation Act for fiscal year 1999. These new provisions in Section 118.500 may make medical services available to certain immigrant children under 19 years of age. Immediate implementation of these emergency amendments is specifically authorized under the Budget Implementation Act (Public Act 90-588).
- 10) Complete Description of the Subjects and Issues Involved: These emergency amendments concern medical services for certain immigrant children. The amendments will assist immigrant children under 19 years of age who entered the United States on or after August 22, 1996, and who otherwise would receive medical services through Article V of the Public Aid Code or House Bill 705/P.A. 90-736, effective August 12, 1998 [215 ILCS 106], except that such children have not resided in the United States for five years, or are permanently residing in the United States under color of law (PRUCOL). Under the emergency amendments, these immigrant children may receive medical services, depending on the family's income level. The Department's fiscal year 1999 appropriation and the Budget Implementation Act (Public Act 90-588) provide authority for medical services to such children. The emergency amendments do not create an entitlement to medical services for these children. Services will only be available to the extent that appropriations for such services remain available. The services provided under these emergency amendments to Part 118 are expected to result in an annual expenditure of approximately \$4.4 million.
- 11) Are there any other proposed amendments pending on this Part? No

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

12) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

13) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 118

## SPECIAL ELIGIBILITY GROUPS

## SUBPART A: DISABLED ADULT CHILDREN

Section  
118.100 Disabled Adult Children

SUBPART B: PERSONS WITH ACQUIRED  
IMMUNODEFICIENCY SYNDROME (AIDS) OR AIDS RELATED COMPLEXES (ARC)

Section  
118.150 Continuation of Health Insurance Coverage  
118.200 Drugs to Prolong the Lives of Persons With Acquired Immunodeficiency  
Syndrome (AIDS) or AIDS Related Complexes (ARC)

## SUBPART C: WIDOWS AND WIDOWERS

Section  
118.300 Widows and Widowers

## SUBPART D: MISCELLANEOUS PROGRAM PROVISIONS

Section  
118.400 Incorporation By Reference

## SUBPART E: CERTAIN IMMIGRANT CHILDREN

Section  
118.500 Medical Services for Certain Immigrant Children  
EMERGENCY

AUTHORITY: Implementing Articles III, IV, VI and Section 5-18 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, VI, 5-18 and 12-13].

SOURCE: Emergency rule adopted at 12 Ill. Reg. 3037, effective January 15, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 6301, effective March 18, 1988; amended at 12 Ill. Reg. 8068, effective April 26, 1988; amended at 13 Ill. Reg. 3950, effective March 10, 1989; amended at 14 Ill. Reg. 10442, effective June 20, 1990; emergency amendment at 15 Ill. Reg. 8708, effective June 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 11607, effective July 15, 1992; emergency amendment at 17 Ill. Reg. 11217, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19956,



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

effective November 12, 1993; amended at 19 Ill. Reg. 7959, effective June 5, 1995; amended by emergency rulemaking at 22 Ill. Reg. 15724, effective August 12, 1998, for a maximum of 150 days.

SUBPART E: CERTAIN IMMIGRANT CHILDRENSection 118.500 Medical Services for Certain Immigrant Children  
EMERGENCY

a) Certain immigrant children, under 19 years of age, who would be eligible for medical services under Article V of the Public Aid Code or the Children's Health Insurance Program (89 Ill. Adm. Code 125), except that they may not receive such services because of the application of 89 Ill. Adm. Code 120.310(b)(2) or 89 Ill. Adm. Code 125.205(a)(4) or are permanently residing in the United States under color of law (PRUCOL), may be eligible for certain medical services if appropriation authority exists in any fiscal year.

1) Such immigrant children who would otherwise be eligible for Medical Assistance may receive coverage for those medical services available under Article V, including those services under Article V administered by other agencies. All other requirements set forth under Article V must be met.

2) Such immigrant children who would otherwise be eligible under 89 Ill. Adm. Code 125 may receive coverage for those medical services available under 89 Ill. Adm. Code 125. All other requirements set forth under 89 Ill. Adm. Code 125 must be met.

b) The provisions of 89 Ill. Adm. Code 125, Subpart B, including the handling of appeals and the conduct of hearings pursuant to the provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104, Practice in Administrative Hearings, shall govern any appeals under this Subpart.

c) There is no entitlement to medical services under this Subpart E and such services are available only to the extent that payments under this Subpart do not exceed the amounts appropriated for the purpose of this Subpart. The Department may cease enrollment, change standards of eligibility, or reduce services for such children if such appropriated funds are needed to provide services to children eligible under 89 Ill. Adm. Code 125 or if such action is deemed necessary to assure that payments do not exceed appropriation authority.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 15724, effective August 12, 1998, for a maximum of 150 days)

## DEPARTMENT OF LABOR

## NOTICE OF PUBLIC INFORMATION

Pursuant to section 9 of the Prevailing Wage Act, 820 ILCS 130/9), the Illinois Department of Labor will convene a hearing involving an objection to its determination that the engaging in operating engineer work on public works projects in the County of Sangamon, State of Illinois, does not include a fifty cent (\$0.50)an hour contribution to an ERISA regulated benefit/training fund.

## 1) Date Time and Location of Public Hearings:

Tuesday October 6, 1998

10:00 A.M.

Illinois Department of Labor

One West Old Capital Plaza Room 300

Springfield, Illinois

## 2) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to:

Scott D. Miller, Chief Legal Counsel

Illinois Department of Labor

160 North LaSalle Street, Suite C-1300

Chicago, Illinois 60601

(312) 793-1805

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 1998. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Property Factor
Bond Premium Amortization	Sales Factor
Dividends	Transportation Services
Interest	Other Rulings
Net Operating Loss	(Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings	Bankruptcy
(Not Included Above)	Base Income
Administrative Review	(Also See Addition Modifications, Fringe Benefits, Subtraction Modifications)
Allocation	Books and Records
(For Alternative Apportionment Rulings, See that heading)	Bulk Sales: See Sales Outside the Ordinary Course of Business (Bulk Sales)
Alternative Apportionment	Business Income
Amnesty	Capital Gains (Losses)
Apportionment	
Financial Organizations	
Insurance Companies	

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

Payroll Factor	Fraud: See Penalties
(Also See Subtraction Modifications)	Fringe Benefits
- Valuation Limitations)	IRC 125 "Cafeteria" Plans
Federal Returns	IRC 401(k) Plans
Check Off Funds	Other Rulings (Not Included Above)
Fiduciaries	Gain (Loss): See Capital Gains
Financial Organizations: See	(Losses): Valuation Limitation
Apportionment	Information Reports
Foreclosure	Insurance Companies: See Apportionment
Foreign Sales Corporations	Interest Income
(FSC's)	(Also See Addition Modifications, Subtraction Modifications)
Foreign Tax: See Credits	Interest on Refunds and Deficiencies
Foreign Trade Zones: See	IRC 338
Subtraction Modifications,	Jeopardy: See Assessment
Credits--Jobs Tax	Judicial Review
Forms	Liens
Coal Research and Utilization	Limited Liability Companies
Credit for Replacement Tax	Lottery
Paid	Military
Credit for Residential Real	(Also See Subtraction
Property Taxes	Modifications)
Enterprise Zone Investment	Miscellaneous
Foreign Tax	Modification Addition: See
High Impact Business	Addition Modifications
Investment	Modification Subtraction: See Sub-
Jobs Tax	traction Modifications
Replacement Tax Investment	Mutual Funds: See Subtraction Modi-
Research and Development	cations
Training Expense	Net Income (Loss) and Net Loss
Other Rulings	Deduction (IITA 207)
(Not Included Above)	Other Rulings
Deficiencies	(Not Included Above)
Definitions	Regulated Investment Companies
Domestic International Sales	
Corporations (DISCs)	
Elections: See Combined	
Unitary Return, Extensions,	
Unitary	
Enterprise Zones	
(Also See Credits, Subtraction	
Modifications)	
Erroneous Refund: See Refunds	
Estimates	
Exempt Organizations	
Exemptions	
Extensions	
Failure to File: See Penalties	
Failure to Pay: See Penalties	
(Also See Base Income, Capital	



DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Gains (Losses), Combined Unitary Returns, Net Operating Loss and Net Operating Loss Deduction  
 Net Operating Loss and Net Operating Loss Deduction  
 Nexus: See Public Law 86-272/  
 Nexus Nonbusiness income  
 Nonresidents: See  
 Residency/Nonresidency  
 Notice and Demand: See Notices  
 Notices  
 Nuclear Decommissioning  
 Trusts  
 Overpayments: See Refunds  
 Partnerships  
 Payments:  
 Payroll Factor: See Apportionment  
 Penalties  
 Failure to File (IITA 1001)  
 Failure to File Withholding Returns (IITA 1004)  
 Failure to Pay (IITA 1002)  
 Failure to Pay Estimated Tax (IITA 804)  
 Fraud (IITA 1002)  
 Reasonable Cause (IITA 1001)  
 Underpayment of Tax (IITA 1005)  
 Other Rulings  
 (Not Included Above)  
 Pensions  
 (Also See Subtraction Modifications)  
 Political Organizations  
 Professional Athletes  
 Property Factor: See Apportionment  
 Property Tax: See Subtraction Modifications  
 Protest  
 Public Law 86-272/Nexus  
 Rate of Tax  
 Real Estate Investment Trusts  
 Reasonable Cause: See Penalties  
 Refunds (Also See Subtraction Modifications)  
 Statute of Limitations  
 Qualified Pension Plans  
 Real Estate Taxes  
 Subpart F Income  
 Replacement Tax  
 (Also See Credits)  
 Requirements of Requests for General Information Letters  
 Requirements of Requests for Private Letter Rulings  
 Residency/Nonresidency Returns  
 (For Combined Unitary Return and Composite Return Rulings, See Those Headings)  
 Amended Returns  
 Due Dates  
 Requirements to File  
 Short Period Returns  
 Other Rulings  
 (Not Included Above)  
 S Corporations  
 Sales Factor: See Apportionment  
 Sales Outside the Ordinary Course of Business (Bulk Sales)  
 Seizure  
 Separate Accounting: See Alternative Apportionment  
 Signature  
 Specific Accounting  
 Statute of Limitations: See Assessment, Collection, Deficiencies  
 Refunds  
 Subchapter "S" Corporations: See S Corporations  
 Subpart F Income: See Subtraction Modifications  
 Subtraction Modifications  
 Bond Premium Amortization  
 Enterprise and Foreign Trade Zones  
 Illinois Tax Refund  
 Interest on U.S. Government Obligations  
 Military  
 Money Market Mutual Funds  
 Unitary  
 (Also See Combined Unitary Return)  
 U.S. Government Obligations: See Subtraction Modifications  
 Valuation Limitation: See Subtraction

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Transportation Services  
 Valuation Limitation  
 Other Rulings  
 (Not Included Above)  
 Taxability in Other States  
 Taxable year  
 Transferees  
 (Also See Sales Outside the Ordinary Course of Business (Bulk Sales))  
 Transportation Services: See Apportionment  
 Trusts  
 Uniform Penalty and Interest Act  
 Modifications  
 Voluntary Disclosure Agreements  
 Waiver on Assessments: See Assessment  
 Withholding  
 Employee Benefits  
 Exemptions  
 Personal Service Contracts (IITA 1405.2)  
 Reciprocal Agreements  
 Other Rulings  
 (Not Included Above)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at [www.revenue.state.il.us](http://www.revenue.state.il.us)

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995 and 1996 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00

3. Name and address of person to contact concerning this information:

Margaret Forth  
 Legal Services Office  
 101 West Jefferson  
 Springfield, Illinois 62794  
 Telephone: (217) 782-6996

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1998 SECOND QUARTER SUNSHINE INDEX

## ALTERNATIVE APPORTIONMENT

IT 98-0006-PLR 06/18/1998 Private Letter Ruling: Grant of petition to use separate accounting method.

IT 98-0040-GIL 04/23/1998 General Information Letter: Denial of petition to use alternative apportionment.

## COMPOSITE RETURNS

IT 98-0004-PLR 04/15/1998 Private Letter Ruling: Grant of petition to file composite return.

IT 98-0005-PLR 04/28/1998 Private Letter Ruling: Grant of petition to file composite return.

IT 98-0042-GIL 05/08/1998 General Information Letter: Credit allowed to trust for replacement taxes paid by beneficiary.

IT 98-0051-GIL 06/04/1998 General Information Letter: Estimated tax payments made by partners included on composite return.

## DEFINITIONS

IT 98-0038-GIL 04/13/1998 General Information Letter: Characterization of single-member limited liability companies electing to be disregarded for federal income tax purposes.

## IRC 338

IT 98-0053-GIL 06/23/1998 General Information Letter: Illinois tax treatment of Subchapter S corporation and shareholders in Section 338(h)(10) election.

## MISCELLANEOUS

IT 98-0046-GIL 05/19/1998 General Information Letter: Income subject to Illinois Income Tax.

## DEPARTMENT OF REVENUE

## NOTICE OF PUBLIC INFORMATION

## 1998 SECOND QUARTER SUNSHINE INDEX

## PARTNERSHIPS

IT 98-0036-GIL 04/03/1998 General Information Letter: Subtraction modification for reasonable compensation for personal services rendered by a partner.

IT 98-0044-GIL 05/14/1998 General Information Letter: Subtraction modification for income distributable to partners subject to Personal Property Tax Replacement Income Tax and election to pass-through to partners investment credit earned by partnership.

## PUBLIC LAW 86-272/NEXUS

IT 98-0045-GIL 05/15/1998 General Information Letter: Presence of taxpayer-owned equipment within the State for purposes of providing services to customers.

IT 98-0047-GIL 05/21/1998 General Information Letter: Conducting stock brokerage business through Illinois office.

## RETURNS - REQUIREMENT TO FILE

IT 98-0041-GIL 04/23/1998 General Information Letter: Returns due for past years.

## RETURNS - SHORT PERIOD RETURNS

IT 98-0054-GIL 06/25/1998 General Information Letter: Due date of short period return when tax year is changed as the result of acquisition into consolidated group with a different tax year.

## SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 98-0049-GIL 05/28/1998 General Information Letter: Interest income on State of Illinois bonds.

## SUBTRACTION MODIFICATIONS - PENSIONS



DEPARTMENT OF REVENUE

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1998 SECOND QUARTER SUNSHINE INDEX

IT 98-0037-GIL 04/07/1998 General Information Letter: Railroad Retirement Board payments.

IT 98-0050-GIL 06/03/1998 General Information Letter: Distribution of IRA and profit-sharing accounts to estate.

IT 98-0052-GIL 06/17/1998 General Information Letter: Illinois tax treatment of Roth IRAs.

IT 98-0055-GIL 06/29/1998 General Information Letter: Illinois tax treatment of employer and employee contributions to and distributions from qualified pension plans.

TRUSTS

IT 98-0048-GIL 05/22/1998 General Information Letter: Taxation of trusts making qualified funeral trust election under Taxpayer Relief Act of 1997.

WITHHOLDING - OTHER RULINGS

IT 98-0039-GIL 04/13/1998 General Information Letter: Withholding obligation on Ohio resident employees temporarily performing services within Illinois.

IT 98-0043-GIL 05/11/1998 General Information Letter: Unemployment compensation and taxes are administered by the Department of Employment Security, not by the Department of Revenue.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 11, 1998 through August 17, 1998 and have been scheduled for review by the Committee at its September 22, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/24/98	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	4/3/98 22 Ill Reg 6150	9/22/98
9/24/98	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	4/3/98 22 Ill Reg 6185	9/22/98
9/24/98	Department of Public Health, Illinois Home Health Agency Code (77 Ill Adm Code 245)	4/3/98 22 Ill Reg 6109	9/22/98
9/24/98	Department of Public Health, Community Living Facilities Code (77 Ill Adm Code 370)	4/3/98 22 Ill Reg 6074	9/22/98
9/24/98	Department of Public Health, Hospital Licensing Requirements (77 Ill Adm Code 250)	4/3/98 22 Ill Reg 6088	9/22/98
9/24/98	Department of Public Health, Illinois Veterans' Homes Code (77 Ill Adm Code 340)	4/3/98 22 Ill Reg 6119	9/22/98
9/24/98	Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	4/3/98 22 Ill Reg 6133	9/22/98
9/24/98	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	4/3/98 22 Ill Reg 6166	9/22/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

9/24/98	Department of Children and Family Services, Services Delivered by the Department (89 Ill Adm Code 302)	5/1/98 22 Ill Reg 7424	9/22/98
9/25/98	Department of Human Services, Program Description (89 Ill Adm Code 676)	5/8/98 22 Ill Reg 7827	9/22/98

## PROCLAMATIONS

## 98-366

## BETHEL AFRICAN METHODIST EPISCOPAL CHURCH DAY

Whereas, the Bethel African Methodist Episcopal Church at 4440-48 South Michigan Avenue, Chicago., Illinois, will celebrate its 136th anniversary on Sunday, June 28, 1998; and

Whereas, the Right Reverend Robert Thomas, Jr., Presiding Bishop, Fourth Episcopal District of The African Methodist Episcopal Church will be the anniversary speaker; and

Whereas, he served as Pastor of Bethel for some nine years, from 1963-1972; and

Whereas, the congregation's beloved Bishop was elected and Consecrated the 107th Bishop of the Church; and

Whereas, Bishop Thomas is loved and respected throughout America and Africa; and

Whereas, at the present site, Bethel has had eight pastors to grace her pulpit. These pastors were instrumental in continuing the work of the founders and keeping the vision alive; and

Whereas, for 133 years, Bethel has stood as a beacon of hope in the Grand Boulevard area. It has been involved in continuous Christian Outreach Ministries through its Food Pantry, Clothing Bank, Day Care Center, Summer Day Camp, Adult Bible Classes, Vacation Bible School, Social Action Forums, Alcohol and Drug Abuse Seminars and Credit Union and Scholarship Funds. The "Church of the Loving Spirit" helps build lives in the service of the Lord; and

Whereas, on November 3, 1994, The Reverend Thomas M. Hughes was appointed Pastor and became the new spiritual leader of Bethel African Methodist Episcopal Church;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 28, 1998, as BETHEL AFRICAN METHODIST EPISCOPAL CHURCH DAY in Illinois.

Issued by the Governor June 15, 1998.

Filed by the Secretary of State June 19, 1998.

## 98-367

## CELEBRATION AND RESEARCH OF CHRISTIAN HERITAGE WEEK

Whereas, men like Benjamin Franklin, George Washington, Thomas Jefferson, James Madison, Patrick Henry and George Mason, along with other great men and women in the history of our country, were Christian statesmen of great caliber and integrity; and

Whereas, during September 1998 many Illinois students will learn about the research that has been done regarding Christianity and the famous Christians in the history of this country; and

Whereas, research and information about Christian heritage has been done by Christian Heritage Ministries, which is "dedicated to the preservation of America's Christian history"; and

Whereas, the Christian Heritage Ministries' celebration of the research of Christian heritage and the dissemination of this information to Illinois' youth will be September 27-October 3, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27-October 3, 1998, as CELEBRATION AND RESEARCH OF CHRISTIAN HERITAGE



## PROCLAMATIONS

WEEK in Illinois.

Issued by the Governor June 15, 1998.

Filed by the Secretary of State June 19, 1998.

## 98-368

## CHICAGO BULLS SIXTH WORLD CHAMPIONSHIP DAY

Whereas, the Chicago Bulls defeated the Utah Jazz 87-86 in the sixth game of the NBA finals to win their sixth World Championship and secured the repeat of the three-peat; and

Whereas, the Chicago Bulls have again proven that Chicago is a City of Champions by winning the 1998 National Basketball Association World Championship; and

Whereas, the 1998 Chicago Bulls finished the season by winning more games than any other team in the NBA, including the best record in the Eastern Conference during the regular season with 62 wins and winning 15 games in the playoffs; and

Whereas, Michael Jordan once again showed why he is the greatest basketball player who has ever lived by winning the Most Valuable Player award for the NBA Finals, the NBA Regular Season and the NBA All-Star Game, and is the first man in history to be named MVP for the Finals six times; and

Whereas, the Chicago Bulls, as an organization and team, rank among the greatest dynasties in team sports history; and

Whereas, this Sixth World Championship was made possible by the efforts of the Chicago Bulls players, Michael Jordan, Scottie Pippen, Dennis Rodman, Toni Kukoc, Ron Harper, Luc Longley, Steve Kerr, Bill Wennington, Jud Buechler, Randy Brown, Dickey Simpkins and Scott Burrell, by Phil Jackson and his coaching staff and by Chicago Bulls Chairman Jerry Reinsdorf and his front office staff; and

Whereas, the 1998 Chicago Bulls have once again thrilled and made proud the greatest basketball fans in the world, the Chicago Bulls fans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 16, 1998, as CHICAGO BULLS SIXTH WORLD CHAMPIONSHIP DAY in Illinois and thank the Chicago Bulls for the exciting and unforgettable memories of the 1997-98 season and every one of their championship seasons.

Issued by the Governor June 15, 1998.

Filed by the Secretary of State June 19, 1998.

## 98-369

## INTERNATIONAL FESTIVAL OF LIFE

Whereas, Martin's Inter-Culture, Inc. will host the fifth Annual International Festival of Life, which will be held on Friday, Saturday and Sunday, July 3-5, 1998, from 10:00 a.m. to 10:00 p.m. each day at the Washington Park Sunken Garden, 57th Street and South Cottage Grove, Chicago; and

Whereas, one of the objectives of the International Festival of Life is to unite people of all nationalities, fostering the belief that we are one people regardless of our place of birth or our ethnic background; and

Whereas, the event, which attracted over 65,000 last year, is projected to

## PROCLAMATIONS

surpass the 100,000 mark this year; and

Whereas, the star-studded weekend celebration will feature some of the best entertainers in the genres of reggae, calypso, salsa and other world beat music. Gospel, jazz, blues, hip hop and r & b artists will be well represented as well; and

Whereas, part of the proceeds from the "We Are One" unity festival will go toward the Chicago Tribune Charities, South Side Help Center, Chicago Park District South Region - Teen Programs, The DuSable Museum, The News Publication in Jamaica for its Basic Training Program for Young People in Journalism, and to other organizations with educational programs for teens; and

Whereas, in the International Food Taste/Market Place, scores of vendors will be on hand selling an array of appetizing foods, along with merchants exhibiting products and displaying business ideas;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 3-5, 1998, as INTERNATIONAL FESTIVAL OF LIFE DAYS in Illinois.

Issued by the Governor June 15, 1998.

Filed by the Secretary of State June 19, 1998.

## 98-370

## LITTLE PEOPLE'S GOLF CHAMPIONSHIPS ASSOCIATION DAYS

Whereas, the mission of the Little People's Golf Championships Association (LPGCA) is to provide a positive competitive environment for as many junior golfers ages three through 17 as possible. By dedicating itself to this purpose, the LPGCA has built a reputation as one of the most prestigious junior golfing events in the world; and

Whereas, June 22-24, 1998, will mark the 25th Anniversary of Little People's; and

Whereas, more than 850 boys and girls from 40 states, Canada, the Bahamas and India entered in the 1998 event, to be played at five golf courses - three in Quincy and two in Missouri; and

Whereas, in keeping with its dedication to young people, the LPGCA has established two programs, the Tri-State Junior Golf Association and "Kids Helping Kids" program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22-24, 1998, as LITTLE PEOPLE'S GOLF CHAMPIONSHIPS ASSOCIATION DAYS in Illinois.

Issued by the Governor June 15, 1998.

Filed by the Secretary of State June 19, 1998.

## 98-371

## MEETING PROFESSIONALS WEEK

Whereas, meetings are a primary planning, communication and action vehicle and a critical component of any organization's success; and

Whereas, the meeting industry in Illinois creates millions of dollars in economic impact, enhances commerce and creates jobs for thousands throughout Illinois; and

Whereas, meeting professionals ensure workforce productivity, elevate the professionalism of the industry, and improve the knowledge and expertise in the

## PROCLAMATIONS

planning and management of meetings through education, training and industry relationships; and

Whereas, The Heart of Illinois Chapter of the Society of Government Meeting Professionals is celebrating its 13th year of offering top flight continuing education and professional networking for meeting professionals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22-26, 1998, as MEETING PROFESSIONALS WEEK and June 23, 1998, as MEETING PROFESSIONALS DAY in Illinois.

Issued by the Governor June 15, 1998.

Filed by the Secretary of State June 19, 1998.

98-372

## REAL MEN COOK DAY

Whereas, this is the sixth annual "Real Men Cook" for Chicago Charities on Father's Day co-sponsored by Resource Associates International, Inc. and the South Side YMCA; and

Whereas, "Real Men Cook" is not a profit-making venture, rather, it is an effort to establish a Father's Day tradition which heralds the male role models in our communities; and

Whereas, "Real Men Cook" is a celebration of men and a reflection of the culinary traditions handed down from generation to generation in many families; and

Whereas, "Real Men Cook" makes a monetary contribution to those organizations whose mission is to make our communities better places in which to live; and

Whereas, 100 business and professional men have prepared special dishes specifically for this event; and

Whereas, real men cook, real men love, real men care, and real men become fathers of real men;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim Father's Day, June 21, 1998, as REAL MEN COOK DAY in Illinois.

Issued by the Governor June 15, 1998.

Filed by the Secretary of State June 19, 1998.

98-373

## SIDEELL REPORTER DAY

Whereas, the very first issue of the Sidell Reporter (and former Journal) was published on May 26, 1888, four years after the town was established; and

Whereas, Sidell has been a one-newspaper town since the 1930's; and

Whereas, throughout the years, the Sidell Reporter has changed names and owners several times, but has remained committed to delivering the hometown news its patrons have enjoyed; and

Whereas, on May 16, 1998, the Sidell Reporter and its many loyal readers attended the 110th Anniversary at the Sidell Historical Society, which opened the print shop to the public 10 years ago as the paper celebrated its Centennial in 1988;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 16, 1998, as SIDEELL REPORTER DAY in Illinois.

## PROCLAMATIONS

Issued by the Governor June 15, 1998.  
Filed by the Secretary of State June 19, 1998.

98-374

## ANSAR LEGION OF HONOR DAY

Whereas, on February 17, 1948, Ansar Potentate, Willis G. Reddick, called a meeting of all veterans of all wars who were members of Ansar Temple to discuss the formation of a Legion of Honor unit; and

Whereas, a total of 52 prospective members attended that first meeting; and

Whereas, on March 22, 1948, a second meeting was held and the Ansar Legion of Honor was formally established as a Shrine Unit; and

Whereas, the membership of 102 members elected Noble Arnold R. Kugler as the first Commander of the unit; and

Whereas, during the past 50 years, the Legion of Honor has accomplished its Constitutional objective of perpetuating the memory of those who died in the service of their country, and to foster the spirit of comradeship, patriotism and love of country, and to assist in all possible means in promoting the interest of Ansar Temple; and

Whereas, the word Ansar is Arabic and means "Those Who Give Aid"; and  
Whereas, the Ansar Legion of Honor Nobles try to do just that through their support of the 19 Shriners Hospitals for Children and two Burn Institutes; and

Whereas, on June 20, 1998, Ansar Legion of Honor will celebrate their 50th Anniversary with a dinner/dance formal ball; and

Whereas, the current Potentate of Ansar Temple is Gail L. Miller, the 50th Commander of the Legion of Honor is Floyd Baker, and the 50th Anniversary Chairman is Dennie L. Miller;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 20, 1998, as ANSAR LEGION OF HONOR DAY in Illinois.

Issued by the Governor on June 16, 1998.

Filed by the Secretary of State June 26, 1998.

98-375

## CSA FRATERNAL LIFE DAYS

Whereas, the CSA Fraternal Life, America's oldest fraternal benefit society, based in Oak Brook, Illinois, will hold its 36th Quadrennial Convention, August 9-12, 1998, at the Greentree Marriott Hotel in Pittsburgh, Pennsylvania; and

Whereas, the convention is held to celebrate the 144th anniversary of the CSA Fraternal Life and set the course of the organization for the next four years; and

Whereas, the Czechoslovak Society of America established the Czechoslovak Heritage Museum, Library and Archives in 1974; and

Whereas, CSA provides financial protection to its members, gives aid and comfort to the less fortunate, answers the call for disaster relief, supports Czech schools and gymnastic organizations, offers social outlets and provides benevolent and charitable assistance to the Czech and Slovak communities; and



## PROCLAMATIONS

Whereas, CSA is to be commended for promoting the rich Czech and Slovak heritage and culture;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 9-12, 1998, as CSA FRATERNAL LIFE DAYS in Illinois.  
 Issued by the Governor on June 16, 1998.  
 Filed by the Secretary of State June 26, 1998.

## 98-376

## FESTA ITALIANA DAYS

Whereas, July 31-August 2, 1998, the Italian community of Rockford, Illinois, will celebrate with the largest ethnic festival in Northern Illinois; and  
 Whereas, 1998 marks the 20th anniversary of the Festa Italiana; and  
 Whereas, Festa Italiana will be held at Boylan Grounds and is sponsored by the Columbus Day Committee; and  
 Whereas, Festa Italiana is a celebration of Italian artists, folklore, singing, dancing, and crafts; and  
 Whereas, Bocce sport tournaments will be held during the Festa Italiana; and  
 Whereas, thousands of Italian Americans have been living in Illinois for generations and have contributed much to the progress and development of the State; and  
 Whereas, in honor of old St. Mary Society Choir, a special ethnic mass will be celebrated on Sunday, August 2, 1998;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 31-August 2, 1998, as FESTA ITALIANA DAYS in Illinois.  
 Issued by the Governor June 19, 1998.  
 Filed by the Secretary of State June 26, 1998.

## 98-377

## AIRBORNE DAY

Whereas, the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops; and  
 Whereas, the Parachute Test Platoon, composed of 48 volunteers, began training in July 1940; and AIRBORNE DAY  
 Whereas, the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940; and  
 Whereas, the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving in World War II to the present; and  
 Whereas, those veterans of Illinois that have served in the airborne forces are determined to continue and foster that special esprit de corps among fellow paratroopers and to perpetuate the memory of those paratroopers who fought and died for our nation, and to further the bond among all members of the airborne community;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 16, 1998, as AIRBORNE DAY in Illinois.  
 Issued by the Governor June 23, 1998.

## PROCLAMATIONS

Filed by the Secretary of State June 26, 1998.

## 98-378

## DELNO MCKENZIE BAKER DAY

Whereas, Delno McKenzie Baker was born on June 30, 1998, the son of Harvey Reynolds Baker and Katherine McKenzie Baker. He is one of their six children; and  
 Whereas, Delno McKenzie Baker was born and raised in Chicago, where he grew up attending the Albany Baptist Church; and  
 Whereas, Delno McKenzie Baker and his wife, Berthene, were married on January 20, 1926, in Fort Scott, Kansas. They had two children, Nancy Louise Dunbar, who resides in Springfield, and Richard Edgar Baker, who passed away in 1982; and  
 Whereas, they have four grandchildren, Scott Baker, Betsy Dunbar, Sarah Jayne Dunbar, and Martin Dunbar and two great-grandchildren, Caitlin and Richard; and  
 Whereas, Delno and Berthene have been members of the Third Baptist Church of St. Louis since 1934; and  
 Whereas, Delno was a rising executive when the Hudelson Baptist Children's Home moved from Irvington to Centralia in 1936; and  
 Whereas, Delno McKenzie Baker retired from Emerson Electric, formerly Daybrite, on December 31, 1963; and  
 Whereas, on January 12, 1975, Delno became a Board Member of Hudelson, and he continued to be an active member of the board; and  
 Whereas, June 30, 1998, will mark the 100th Birthday of Delno McKenzie Baker; and  
 Whereas, in honor of this occasion, Hudelson Children's Home will dedicate the Delno Baker Diagnostic Center for children who are victims of abuse and neglect;  
 Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 30, 1998, as DELNO MCKENZIE BAKER DAY in Illinois.  
 Issued by the Governor June 23, 1998.  
 Filed by the Secretary of State June 26, 1998.

## 98-379

## HEMOCHROMATOSIS SCREENING AWARENESS MONTH

Whereas, hemochromatosis, a genetic disorder of iron metabolism, is not only the most common genetic disorder but is probably the only genetic disorder which, if diagnosed early and appropriately treated, is compatible with a healthy and full life-span; and  
 Whereas, estimates indicate that 1.5 million Americans are affected with hemochromatosis, most of whom remain undiagnosed, and that an additional 25 to 30 million Americans are carriers; and  
 Whereas, if undiagnosed, the accumulating iron damages vital organs and joints resulting in one or more complications, such as liver cirrhosis and cancer, heart irregularities and failure, diabetes, decreased libido, premature menopause, disabling arthritis, osteoporosis and premature death; and  
 Whereas, early symptoms are vague, and The Hemochromatosis Foundation

## PROCLAMATIONS

urges routine screening for the disorder;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 1998 as HEMOCHROMATOSIS SCREENING AWARENESS MONTH in Illinois.

Issued by the Governor June 23, 1998.

Filed by the Secretary of State June 26, 1998.

98-382

## C. SIDNEY STONE DAY

Whereas, Mr. C. Sidney Stone will celebrate his 85th birthday on July 29; and

Whereas, Mr. Stone was born in New York City, and he has lived in Springfield for the past 15 years; and

Whereas, Mr. Stone has been an active member of the Springfield community. He was appointed by Mayor Ozzie Langfelder to serve on the Oakridge Cemetery Board and he has also served on the board of Temple B'rith Shalom; and

Whereas, family and friends will gather in Connecticut at the end of July to celebrate his 85th birthday together;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 29, 1998, as C. SIDNEY STONE DAY in Illinois.

Issued by the Governor June 22, 1998.

Filed by the Secretary of State July 6, 1998.

98-383

## DAIRY MONTH

Whereas, dairy products are one of the major health food groups; and

Whereas, dairy products are the most important source of calcium and also contribute significant amounts of protein and other essential nutrients in the American diet; and

Whereas, the dairy industry is continually innovating to provide consumers with new products and more varieties to meet increasing demand; and

Whereas, Illinois dairy farmers and other members of the dairy industry are responsible for producing, processing and retailing these safe and nutritious products;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1998 as DAIRY MONTH in Illinois.

Issued by the Governor June 22, 1998.

Filed by the Secretary of State July 6, 1998.

98-384

## EDDY FLUTE CHOIR DAYS

Whereas, the Eddy Flute Choir is a group of advances junior and senior high flute students of the Eddy Studio 51; and

Whereas, the group was established in 1995 to provide challenges and performing opportunities for young musicians; and

Whereas, the students represent a variety of communities including Springfield, Chatham, Williamsville, Pleasant Plains, Rochester, Riverton, Gizard, Virden, and Taylorville; and

## PROCLAMATIONS

Whereas, the Eddy Flute Choir has presented programs for area school children, senior citizens, arts groups, churches, and the handicapped; and

Whereas, the group served as official goodwill ambassadors to Austria, Germany, and Switzerland in the summer of 1996; and

Whereas, the flutists performed at the Mirabell Palace Gardens and Hellbrunn Palace Gardens in Salzburg, Austria; the Home for the Blind and Ammergaufer Haus convention center in Oberammergau, Germany; the Jesuit Church in Lucerne, Switzerland; the Castle of Chillon in Montreaux, Switzerland; and were honored to perform at the United Nations in Geneva, Switzerland; and

Whereas, the group is a not-for-profit organization. Donations presented to the flute choir have been used to establish four music camp scholarships and funded performance tour work; and

Whereas, the group is currently preparing for a performance tour of England in the summer;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 14-21, 1998, as EDDY FLUTE CHOIR DAYS in Illinois.

Issued by the Governor June 22, 1998.

Filed by the Secretary of State July 6, 1998.

98-385

## WATSEKA LIBRARY DAY

Whereas, on June 25, 1998, Watseka Library is celebrating its 100th anniversary and the commitment 100 years ago by Lillian Barnes to the city and residents of Watseka; and

Whereas, the newly appointed Watseka Library Board met for the first time on June 8, 1897, and within the month had considered plans for a permanent library building; and

Whereas, the Watseka Library first opened on June 25, 1898, upstairs from Warren's Shoe Store on Walnut Street; and

Whereas, the hard work and dedication of the first librarian, Miss Lillian Barnes, formed a strong foundation for the future of the Watseka Library; and

Whereas, Miss Barnes led a determined group of women who are credited for the lion's share of the work; and

Whereas, the First Watseka Public Library building at 201 South 4th Street opened in 1904; and

Whereas, the current building was constructed in 1973. It provides room for thousands of adult and children's volumes plus separate reading areas for both, as well as a small community room;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 25, 1998, as WATSEKA LIBRARY DAY in Illinois.

Issued by the Governor June 22, 1998.

Filed by the Secretary of State July 6, 1998.

98-386

## AMATEUR RADIO WEEK

Whereas, the State of Illinois has more than 25,000 licensed amateur radio operators who have demonstrated their value in public assistance by providing emergency radio communications and assisting in public events; and



PROCLAMATIONS

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 3-8, 1998, as COURT REPORTERS WEEK in Illinois.  
Issued by the Governor June 29, 1998.  
Filed by the Secretary of State July 6, 1998.

98-389  
GERMAN VALLEY DAYS

Whereas, German Valley, a quiet, close-knit village with a strong pride in its German heritage, will celebrate its 150th anniversary from July 17-19, 1998; and

Whereas, when Arend Arends, leading a party of eight immigrants, departed from Bremerhaven on March 21, 1847, they could not have known that their journey would lead to the settlement of what we know today as the Village of German Valley; and

Whereas, in 1848, Henry Arends built a log cabin near the crossroads area that was to become German Valley. With its first inhabitant, German Valley had its beginning; and

Whereas, German Valley officially incorporated as a village in 1907; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 17-19, 1998, as GERMAN VALLEY DAYS in Illinois and extend best wishes for an enjoyable event and much continued success.

Issued by the Governor June 29, 1998.  
Filed by the Secretary of State July 6, 1998.

98-390

ILLINOIS PARALEGAL ASSOCIATION AND PARALEGAL/LEGAL ASSISTANT DAY

Whereas, the Illinois Paralegal Association, the first professional paralegal organization in Illinois, was established in November of 1972 in response to the growing need for an organized professional association for paralegals; and

Whereas, paralegals aid in the efficient delivery of legal service to the public; and

Whereas, the Illinois Paralegal Association promotes and maintains high standards in the paralegal profession and offers and encourages continuing education for paralegals; and

Whereas, the Illinois Paralegal Association establishes and maintains mutually beneficial working relationships with other paralegal organizations and with local, State and national bar associations; and

Whereas, Wednesday, November 11, 1998, will mark the celebration of the 26th anniversary of the association;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 11, 1998, as ILLINOIS PARALEGAL ASSOCIATION AND PARALEGAL/LEGAL ASSISTANT DAY in Illinois.

Issued by the Governor July 1, 1998.  
Filed by the Secretary of State July 6, 1998.

98-391

PROCLAMATIONS

Whereas, these amateur radio operators donate their services free of charge to the State in the interest of the citizens of the State as well as the world; and

Whereas, these amateur radio operators are on alert to provide communications assistance during any emergency, local or worldwide, and practice their communications skills during the American Radio Relay League's Field Day exercise; and

Whereas, this year's Amateur Radio Field Day will take place on June 27-28, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22-28, 1998, as AMATEUR RADIO WEEK in Illinois.

Issued by the Governor June 29, 1998.  
Filed by the Secretary of State July 6, 1998.

98-387

CLEAN BOATING WEEK

Whereas, more than 70 million Americans will choose recreational boating as a primary way to relax in 1998; and

Whereas, 17.2 million boats were used last year; and

Whereas, recreational boating is one of the most popular forms of family recreation in Illinois; and

Whereas, responsible boaters, marina operators, boat dealers and manufacturers want to recognize that clean water greatly enhances the boating experience; and

Whereas, responsible boaters, marine operators, boat dealers and manufacturers want to learn about their boats, their businesses, their behavior and ways to protect and enhance the water environment; and

Whereas, the water environment can be improved by promoting good, clean boating practices by boaters and the boating industry and by spreading the message that clean boating is fun boating;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 11-19, 1998, as CLEAN BOATING WEEK in Illinois.

Issued by the Governor June 29, 1998.  
Filed by the Secretary of State July 6, 1998.

98-388

COURT REPORTERS WEEK

Whereas, the National Court Reporters Association is holding its 99th Annual Convention in Chicago, Illinois, during the week of August 3-8, 1998; and

Whereas, over 1,800 court reporters and other legal professionals from around the country will gather to discuss how new services available through court reporting technology can be best utilized to improve the efficiency of this country's legal system; and

Whereas, court reporters provide a crucial service to the judicial process of this State and of the nation as guardians of the record; and

Whereas, their unique talents, diligent efforts and dedication to their duties enhance our system of government and help insure justice under law;

## PROCLAMATIONS

## JIM NIESEN DAY

Whereas, James R. (Jim) Niesen has served the graphic arts industry for over 50 years; and

Whereas, Jim's wealth of knowledge has been an invaluable resource to thousands of people over the years; and

Whereas, Jim has been a problem solver and source of information about "who does what" and "what's going on" in the graphic arts to a generation of industry friends and association colleagues; and

Whereas, Jim has been active in numerous graphic arts, civic and educational organizations, freely giving of his time and energy; and

Whereas, during the last 25 years, Jim has been a visionary, facilitator, ambassador and good friend in his positions as Executive Director of the Binding Industries of America, Executive Secretary of the Graphic Finishing Industries of Illinois and a wide range of staff leadership positions with the Printing Industry of Illinois/Indiana Association; and

Whereas, Jim's retirement from the graphic arts industry marks the end of an era;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1998, as JIM NIESEN DAY in Illinois.

Issued by the Governor July 1, 1998.

Filed by the Secretary of State July 6, 1998.

98-392

## LUTHERAN CHILD AND FAMILY SERVICES DAY

Whereas, Lutheran Child and Family Services (LCFS) of Illinois was founded in 1873 as the German Evangelical Lutheran Orphan Home in Addison; and

Whereas, today, LCFS is a statewide social service agency offering hope and healing through a wide variety of services to children, families and the community; and

Whereas, the mission of the LCFS is to provide quality human care services which result in the improved well-being of families and individuals, congregations and communities; and

Whereas, LCFS operates at more than 45 sites throughout the State, serving over 22,000 children and families a year; and

Whereas, the Lutheran Child and Family Services of Illinois will celebrate their 125th Anniversary on July 4th in Addison, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 4, 1998, as LUTHERAN CHILD AND FAMILY SERVICES DAY in Illinois.

Issued by the Governor July 1, 1998.

Filed by the Secretary of State July 6, 1998.

98-393

## PARIS BEACON-NEWS DAY

Whereas, November 17, 1998, marks the 150th anniversary of the Paris Beacon-News; and

Whereas, the newspaper was founded as The Prairie Beacon, a weekly newspaper, on November 17, 1848, by Jacob Harding, a printer who moved to Paris

## PROCLAMATIONS

from Cincinnati; and

Whereas, the newspaper had several names and owners in the 19th century and published as The Paris Beacon when it started a daily edition in the mid 1880s; and

Whereas, in 1926, the newspaper was purchased by Ernest M. Jenison of Fond du Lac, Wisconsin. In 1927, he also bought the morning newspaper, the Paris Daily News, and combined the two into the present Paris-Beacon News; and

Whereas, E.M. Jenison passed away in 1938, leaving his widow Mary L. Jenison as publisher and their son, Edward, as editor; and

Whereas, Ed Jenison continued to serve as editor and publisher until his death two years ago, remaining active in the daily newspaper work up to the age of 88; and

Whereas, the paper is now managed by his son, E.H. "Ned" Jenison, as publisher and Ned Jenison's son, Kevin Jenison (4th Generation), as associate publisher and general manager. It is one of the few remaining family owned independent daily newspapers in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 17, 1998, as PARIS BEACON-NEWS DAY in Illinois.

Issued by the Governor July 1, 1998.

Filed by the Secretary of State July 6, 1998.

98-394

## BUD BILLIKEN DAY

Whereas, for 69 years, the annual Chicago Defender Charities' Bud Billiken" Parade and Picnic has provided wholesome fun and entertainment without charge for thousands of children; and

Whereas, the Bud Billiken observance gives adults an opportunity to share fun and fellowship with youth; and

Whereas, this year's Bud Billiken Parade and Picnic marks the 69th year of this noteworthy, neighborly celebration; and

Whereas, the Bud Billiken Parade and Picnic has been one of the most distinguished and outstanding events in the City of Chicago, worthy of the support of all citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 8, 1998, as BUD BILLIKEN DAY in Illinois.

Issued by the Governor July 2, 1998.

Filed by the Secretary of State July 6, 1998.

98-395

## ECC MUSIC WORKSHOP WEEK

Whereas, the ECC Music Workshop will hold its 11th annual workshop from July 13-17, 1998, at Kennedy King College in Chicago; and

Whereas, the Chicago Mass Choir, a component of the ECC Music Workshop, has consistently placed on Billboard for each of its recordings, bringing recognition to the City of Chicago and the State of Illinois; and

Whereas, the ECC Music Workshop will hold an awards ceremony at the end of the workshop to honor gospel pioneers who are natives of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July



## PROCLAMATIONS

13-17, 1998, as ECC MUSIC WORKSHOP WEEK in Illinois.

Issued by the Governor July 2, 1998.

Filed by the Secretary of State July 6, 1998.

98-396

**JOLIET AREA SOUTH SUBURBAN CHAPTER OF DELTA SIGMA THETA SORORITY  
EBONY FASHION SHOW DAY**

Whereas, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Inc. is welcoming the 41st Annual Premier Showing of the Ebony Fashion Fair; and

Whereas, Delta Sigma Theta Sorority, Inc. was founded in 1913 with emphasis in education and scholarship, physical and mental health, economic development, political and international awareness; and

Whereas, Delta Sigma Theta Sorority, Inc. is comprised of 190,000 women around the world, of which 3,200 are active in the State of Illinois; and

Whereas, these 3,200 college educated Sorors hold key leadership positions and are dedicated to public service throughout the State; and

Whereas, Joliet Area South Suburban Chapter remains committed to today's youth and this show will provide scholarships and continuous involvement in the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 9, 1998, as THE JOLIET AREA SOUTH SUBURBAN CHAPTER OF DELTA SIGMA THETA SORORITY EBONY FASHION SHOW DAY in Illinois.

Issued by the Governor July 2, 1998.

Filed by the Secretary of State July 6, 1998.

98-397

**KAREN M. BROWN DAY**

Whereas, Karen M. Brown is retiring as the Executive Director of the Illinois Vocational Association and Director of Legislative Affairs for the Coalition for Quality Vocational Education; and

Whereas, Ms. Brown is leaving IVA to accept a leadership position with a private not-for-profit health group in the St. Louis area; and

Whereas, she has a Master's Degree in Business Administration and Bachelor's degrees in History and English; and

Whereas, she is currently pursuing a Ph. D. in Work Force Training and Development at Southern Illinois University at Carbondale; and

Whereas, Karen was a cooperative coordinator for O'Fallon Township High School and has also instructed history, government, English and business classes; and

Whereas, she has taught grades 6 through the community college level and has received numerous teaching and community awards; and

Whereas, Karen has been a sales representative and sales trainer for a major pharmaceutical company; and

Whereas, Karen is leaving the association after 12 years of dedicated service. Her leadership and commitment to the IVA will be greatly missed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 15, 1998, as KAREN M. BROWN DAY in Illinois.

## PROCLAMATIONS

Issued by the Governor July 2, 1998.

Filed by the Secretary of State July 6, 1998.

Rules acted upon during the period from August 7 (Issue 32, 1998) through October 9, 1998 (Issue 41) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatala@ccgate.sos.state.il.us (Internet address).

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